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HOME DEPARTMENT.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th September 1865, and is hereby promulgated for general information :—

ACT No. XXVIII OF 1865.

An Act to provide for the more speedy liquidation of Insolvent Traders' Estates in Bombay.

WHEREAS it is expedient to provide for the more speedy liquidation of Insolvent Traders' Estates in Bombay : It is enacted as follows :—

Definition of Terms.

1. The following words and expressions in this Act shall have the meanings hereby assigned to them :—

"Trader."

The word "Trader" shall mean any person or partnership, not being a Joint Stock Company, carrying on trade or mercantile operations within the local limits of the Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay.

"The Court."

The expression "the Court" shall mean the High Court of Judicature at Bombay in its Ordinary Original Civil Jurisdiction.

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

When Traders' Estates may be wound up under this Act.

2. Whenever any trader shall be, or shall declare himself, unable to pay his debts, it shall be lawful to wind up the Estate of such trader by Trustees under the control of the Court.

Trader when to be deemed unable to pay his debts.

3. A trader shall be deemed to be unable to pay his debts—

1. Whenever a Creditor, to whom the trader is indebted in a sum exceeding Five Thousand Rupees then due, has duly served on the trader a demand in writing requiring the trader to pay the sum so due, and the trader has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the Creditor.

2. Whenever satisfaction of a judgment, decree, or order of any Court in favour of any Creditor in any suit or other legal proceeding cannot be obtained.

3. Whenever the trader has committed an act of insolvency within the meaning of an Act passed in the eleventh and twelfth year of the reign of Her Majesty Queen Victoria intituled *An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.*

Power for Creditors to resolve that Estate ought to be wound up.

4. At any meeting of Creditors held after a trader is, or has declared himself, unable to pay his debts, and whether such meeting shall have been convened at the instance of the trader or of one or more of his Creditors, provided that six days' notice of such meeting shall have been given by advertisement in two of the daily English Newspapers and in two of the Vernacular Newspapers published in Bombay, it shall be lawful for a majority in number and unsecured value of the Creditors present or represented at such meeting, to resolve that the Estate of such trader ought to be wound up under the management of Trustees, and that an application shall be made to the Court for the purpose ; and upon such Resolution being adopted, the meeting shall proceed to nominate three or more Trustees for the liquidation of such Estate, and to fix the amount or rate of salary or remuneration to be paid to such Trustees, and the amount of security (if any) to be given by such Trustees.

Resolutions to be reported to the Court and advertized.

5. Every such meeting shall be presided over by a Chairman elected by the meeting, and such Chairman shall determine the right of persons present to vote upon the matters aforesaid, and shall report the Resolutions adopted by such meeting to the Court by filing a copy thereof under his own signature in the office of the Prothonotary of the Court within two days from the date of such Resolutions being passed, and shall

also cause such Resolutions to be advertized without delay in the *Government Gazette* and in two of the daily English Newspapers and two of the Vernacular Newspapers published in Bombay: and all necessary expenses incurred by or by the authority of the Chairman in carrying out the Resolutions of the meeting shall be payable by the Trustees out of the Estate.

Form of application in the Court.

6. Upon such Resolutions being so filed in Court as aforesaid, the Chairman or any Creditor nominated in that behalf by the meeting may apply to the Court for an order to wind up the estate on the terms of such Resolutions. Every such application shall be in the form of a petition and shall be verified by the Petitioner in like manner as Plaints are required to be verified by Act VIII. of 1859; and on hearing such Petition, if the Court shall be satisfied that the Resolutions were duly carried, and that their terms are reasonable and calculated to benefit the general body of the Creditors under the Estate, it shall confirm or modify the same as it shall deem fit, and shall make order accordingly, and in such order shall give such directions as to the management of the Estate and the advertisement of such order as it shall deem expedient; Provided always that the trader or any creditor may, within six days after the making of such order, apply to the Court to set aside the same either wholly or in part, giving to the Petitioner reasonable notice of such application.

Power for Court to confirm or modify Resolutions and give directions.

Order of Court to vest Trader's Estate on Trustees.

7. Upon the making of such order all the moveable and immoveable estate and effects of such trader and all debts due to him and all the future estate right title interest and trust of such Trader in or to any moveable or immoveable property which such trader may purchase or which may revert descend be devised or bequeathed or come to him, and all debts growing due to such trader in respect of transactions included in the liquidation, before the Court shall have made its final order in respect to the liquidation of his Estate, shall vest in the Trustees appointed by the Court, and all books papers deeds documents and writings in any way relating to such trader's estates and effects in his possession or under his custody or control, shall be forthwith deposited with such Trustees; and such order shall be entered of record in the said Court; and such notice thereof shall be published as the Court shall direct; and such order when so made shall by virtue of this Act relate back to and take effect from the filing of the said Resolutions in Court as aforesaid, and shall instantly and without any conveyance or assignment vest all the moveable and immoveable estate effects and debts as aforesaid of such Trader in the said Trustees.

Protection to Trader after vesting order.

8. After the date of such order all suits and legal proceedings of whatever kind in respect of such Trader's civil liabilities shall be stayed, and no execution attachment or other process against such Trader's property in respect of any debt, and no process against his person in respect of any debt, other than such process by writ or warrant as may be had against a debtor about to depart out of the jurisdiction of the Court, shall be available to any creditor or claimant without leave of the Court.

Power of Trustees.

9. The Trustees shall have power by virtue of this Act in their own name to do the following things:—

To bring or defend any action suit or prosecution or other legal proceeding Civil or Criminal on behalf of such trader; and on like behalf to claim prove and draw dividends under any bankruptcy insolvency or liquidation by Trustees under this Act.

To carry on the business of such trader so far as may be necessary for the beneficial liquidation of the same.

To sell the property, moveable or immoveable, effects and things in action of such trader by public auction or private contract, with power if they think fit to transfer the whole thereof to any person or Company, or to sell the same in parcels.

To execute on behalf of such trader all deeds receipts and other documents they may think necessary.

To refer disputes to arbitration and compromise any debts or claims.

To draw accept make and endorse any Hoondee, Bill of Exchange or Promissory Note on behalf of such Trader, and also to raise upon the security of the assets of such Trader's Estate from time to time any sum or sums of money, whenever the same shall be necessary for the purposes of this Act.

To do and execute all such other things as may be necessary for winding up the affairs and distributing the assets of such Trader.

To apply to the Court from time to time as occasion may require for its assistance in carrying out the powers conferred upon the Trustees by this Act; Provided always that such Trader or any Creditor shall be at liberty to apply to the Court to set aside or restrain any act done or about to be done by the said Trustees under this Act, and the Court shall make such order upon such application with respect to costs and otherwise as it shall deem fit; and provided also that nothing herein contained shall discharge the said Trustees or any of them from liability to account to the said Court for acts done by them in the liquidation of the Estate of the Trader under this Act.

Power to Trustees to examine Trader &c. on Oath.

10. The Trustees shall have power to summon before them and to examine upon Oath or otherwise such Trader and any of his Assistants Clerks or Servants whom the Trustees may deem capable of giving any information material to the full disclosure of the Trader's transactions books and affairs, or to the winding up of the same; and the provisions of the Acts in force for the time being for procuring the attendance of witnesses, and for the examination and punishment of witnesses in suits before Civil Courts, shall be of equal force and effect in respect of any person summoned to appear as a witness under the provisions of this Act.

Penalty on Trader fraudulently concealing effects or falsifying or destroying books, &c.

11. If in the course of their investigation it shall appear to the Trustees that such Trader has fraudulently with the intent to conceal the state of his affairs or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book

paper or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book paper or writing, or that such Trader has fraudulently with intent of diminishing the sum to be divided among his creditors or of giving an undue preference to any of the said Creditors discharged or concealed any debt due to or from the said Trader or made away with, charged mortgaged or concealed any part of his property of what kind soever, the Trustees shall forthwith report the same to the Court, which shall enquire into the same in like manner and with like powers as a Commissioner of the Court for the Relief of Insolvent Debtors in Bombay; and upon such offence being proved against such Trader to the satisfaction of the Court, it shall be lawful for the Court to adjudge that the offender shall be punished with rigorous or simple imprisonment, as the Court shall direct, for a term which may extend to two years, and by Warrant under the Seal of the Court to order the offender to be arrested and committed to prison and there to be detained accordingly.

Penalty on Trader fraudulently or dishonestly contracting debt.

12. If in the course of their investigation, it shall appear to the Trustees that such Trader has contracted any of his debts fraudulently or by means of breach of trust or by means of false pretences or without having any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any of his debts by any of his creditors, or if it shall appear that such Trader's whole debts so greatly exceeded his means of providing for the payment thereof during the time when the same were in the course of being contracted (reference being had to his actual and expected property) as to show gross misconduct in contracting the same, the Trustees shall forthwith report the same to the Court, which shall thereupon enquire into the same in like manner and with like powers as a Commissioner of the Court for the Relief of Insolvent Debtors in Bombay; and upon such offence being proved against such Trader to the satisfaction of the Court, it shall be lawful for the Court to adjudge that the offender be committed to and detained in the Gaol at Bombay, on the Debtors' side thereof, for such term not exceeding two years as the Court shall direct.

Executions upon certain decrees within three months of first order to be void.

13. If upon any decree voluntarily suffered by such Trader being insolvent to any person with intent to give such person a preference over other creditors of such Trader, any attachment or execution is issued against such Trader by virtue whereof the estate and the effects of such Trader or any of them are attached or taken in execution at any time within three months next before the filing of such order as herein mentioned, such attachment or execution shall be void in favour of the Trustees appointed by virtue of this Act as against the attaching or execution Creditor whether the same has been completely executed or not, and it shall be lawful for such Trustees to recover back from such Creditor the estate or effects of such Trader so attached or taken in execution or the proceeds thereof as the case may be; Provided always that such creditor shall, if the attachment or execution would have been valid but for this provision, be entitled to retain or levy as the case may be his costs of suit and of such attachment or execution.

Fraudulent Conveyances made by Trader within two months before first order to be void.

14. If any Trader whose estate shall be vested in Trustees under the provisions of this Act shall, when in insolvent circumstances, and within two months before the filing of such order as herein first mentioned, voluntarily convey assign transfer charge or make over any property moveable or immoveable, or any security for money bond bill note money goods or effects whatsoever to any person or upon any trust, every such conveyance assignment transfer charge or making over shall be deemed and is hereby declared to be fraudulent and void as against such Trustees.

Power of Court to entertain applications of Trader or any Creditor respecting Trader's Estate.

15. The Court shall have jurisdiction at any time during the liquidation of any Trader's Estate under this Act to entertain any application of the said Trader or of any person claiming to be a creditor, respecting the disclosure, distribution, inspection, conduct, management or liquidation of such Trader's estate or affairs, or any act or thing relating thereto, or generally for the decision of any dispute or question that may arise between the Trustees and such Trader or any creditor debtor or claimant.

Power of Court to remove and appoint Trustees.

16. The Court shall have power to remove any Trustees appointed under this Act, and to appoint others in their stead, and to fill up any vacancy occasioned by the death insolvency resignation or departure from India of any Trustee, or by any other sufficient cause; and the Court shall upon application to it in that behalf declare whether any act hereby required or authorized to be done by the Trustees may be done by all or one or more of such Trustees.

Power of Insolvent Court to order Insolvent Estates to be wound up under this Act.

17. It shall be lawful for the Court for the Relief of Insolvent Debtors, at Bombay, upon application by or on behalf of a majority in number and unsecured value of the Creditors of any Insolvent Debtor who has filed his petition in that Court, to order that the Estate of such Insolvent shall be wound up by Trustees under the provisions of this Act, upon such terms as to costs and remuneration to the Official Assignee, and with such directions as shall appear to be necessary and just.

Liberty to Trustees under Deed of Assignment to apply that Estate may be wound up under this Act.

18. It shall be lawful in any case in which the Estate of any Trader has been vested in Trustees under a Deed of Assignment before the passing of this Act, for such Trustees to apply to the Court for liberty to wind up such Estate under the provisions of this Act.

Liberty to Trustees to allow maintenance to Trader.

19. In any case in which the Estate of a Trader shall be vested in Trustees under the provisions of this Act, it shall be lawful for the Trustees, with the sanction of the Court, to make to such Trader out of the funds in their hands a reasonable monthly allowance for maintenance.

Remuneration of Trustees

20. There shall be paid to the Trustees such salary or remuneration by way of percentage or otherwise as the Court shall direct; and all costs charges and expenses properly incurred in winding up the Estate, including the remuneration of the Trustees and the maintenance of the Trader, shall be payable out of the assets of the Trader in priority to all other claims.

Trustees to file Accounts half-yearly.

21. During the liquidation of the Estate the Trustees shall file half-yearly accounts of the progress of such liquidation in the office of the Prothonotary of the Court; and as soon as the affairs of the Trader are fully liquidated and the Estate distributed, the Trustees shall make up an account showing the manner in which such liquidation has been effected and the property of the Trader disposed of, and such account, with the Vouchers thereof, shall be filed in Court. All accounts so filed shall be open at all reasonable times to the inspection of Creditors, and copies thereof shall be granted on payment of such fees as may from time to time be fixed by the Court.

Estate when to be deemed fully wound up.

22. The Trustees shall give notice of the filing of such final account with its vouchers by advertisement of even date in the *Government Gazette* and in two of the daily English Newspapers and in two of the Vernacular Newspapers published in Bombay; and if no order to the contrary shall be made by the Court within three months after the date of the publication of such advertisement, the said Estate shall be deemed to have been fully liquidated and wound up, and the Trustees shall thereupon be deemed to be fully released and discharged from all liability in respect of the said Estate and the liquidation thereof.

Trustees may grant Certificate to Trader for Order of Discharge.

23. After the filing of such final account as aforesaid and upon the said Trustees certifying to the Court under their hands that the said Trader has assigned conveyed or made over to them all his property effects and securities of every nature and kind whatsoever, and all books of account, accounts, vouchers, papers and documents relating to his Estate, and also that he has given all reasonable assistance to the Trustees in and towards realizing and winding up his Estate; it shall be lawful for the Court upon the application of such Trader, and upon such notice as it shall direct, to grant to such Trader an Order of Discharge; Provided always that if such Certificate as aforesaid shall have been refused to any Trader by the Trustees, such Trader may nevertheless apply to the Court for such Order of Discharge and the Court shall have power, upon such notice to the Trustees as it shall direct, to grant such Trader an Order of Discharge if it shall think fit.

Effect of Order of Discharge.

24. Such Order of Discharge shall operate to discharge the Trader and all property and effects acquired by him subsequent to the filing of the order herein first mentioned, from all debts claims or demands in respect of the transactions included in the account filed by the Trustees, and no suit shall thereafter be maintainable against the said Trader nor shall such after-acquired property and effects be liable to be attached or taken in execution, in or under the order of any Court in British India, in respect of such transactions.

Applications to be made to Judge in Chambers.

25. Any application directed by this Act to be made to the Court shall be made to a Judge in Chambers, who shall have power to make any order necessary to be made under this Act, or to refer such application to a full Court; and such Court or Judge is hereby empowered to make any order in respect of the premises which could be made by a Commissioner of the Court for the Relief of Insolvent Debtors under 11 and 12 Vic., Cap. XXI.

Limitation of Act.

26. The operation of this Act shall be limited to Estates in which the admitted liabilities are not less than five lakhs of Rupees.

Commencement of Act.

27. This Act shall come into operation on the first day of October 1865 and shall remain in force until the thirtieth day of September 1867. Provided that as to such Estates (if any) as shall on or before such day have been brought under the operation of this Act and of which the winding up under its provisions shall not have been completed, this Act shall remain in force until such Estates shall have been wound up as aforesaid.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The 4th October 1865.

THE following Bill and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations.

A Bill for the Management of the Post Office, for the Regulation of the Duties of Postage, and for the Punishment of Offences against the Post Office.

Repeal of Act No. XVII. of 1854.

1. ACT No. XVII. of 1854 is hereby repealed, except so far as it repeals the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation.

Exclusive privilege of carrying letters, vested in the Government of India.

2. Wheresoever, within British India, posts or postal communications are, or shall be established by the Government of India, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases; and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say—

(1.) Letters sent by a private friend in his way, journey or travel, so as such letters be delivered by

such friend to the person to whom they shall be directed, without hire, reward or other profit or advantage for receiving, carrying or delivering the same.

(2.) Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

(3.) Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward or other profit, or advantage for receiving, carrying or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

Persons expressly forbidden to collect, carry, or deliver letters.

3. Wheresoever, within British India, posts or postal communications are, or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say—

(1.) Common carriers of passengers or goods, and their drivers, servants or agents, except letters solely concerning goods in their carriages.

(2.) Owners and Commanders of ships, steamboats, or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents, except letters solely concerning goods on board.

Appointment of Officers.

4. For carrying on the service of the Post Office, it shall be lawful for the Governor General of India in Council to appoint, or to authorize the appointment of such Officer or Officers, with such official styles or designations, and to invest them with and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may, from time to time, deem expedient.

Postage rates on letters.

5. Wheresoever posts or postal communications are, or shall be established by the Government of India, postage, if prepaid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by land, according to the following scale :—

On every letter not exceeding a quarter of a tolah in weight,—six pie.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight,—one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight,—two annas.

And for every half tolah in weight above one tolah, one additional anna; and every fraction of half a tolah above one tolah, shall be charged as one additional half tolah.

Every article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be an article on which a different rate of postage shall be chargeable under this Act.

Postage rates on newspapers, &c.

6. Wheresoever posts or postal communications are, or shall be established by the Government of India, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by land, shall be charged by weight according to the following scale :—

On every newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight,—one anna.

If the same shall exceed six, but shall not exceed twelve tolahs in weight,—two annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken one additional anna for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs, shall be charged as six additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

Newspapers, &c., how to be sent by post.

7. A newspaper, pamphlet, or other printed or engraved paper shall not be sent by the letter-post at the rates prescribed in the last preceding Section, unless the following conditions be observed, that is to say—

(1.) It shall be without a cover, or in a short cover open at both ends.

(2.) There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

(3.) There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

When to be charged with letter postage.

8. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter-post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof sheets.

9. Proof sheets marked as such, may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender; otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Inland banghy postage.

10. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :—

For Distances		If not exceeding in weight						
		20 Tolahs.	100 Tolahs.	200 Tolahs.	300 Tolahs.	400 Tolahs.	500 Tolahs.	600 Tolahs.
	Miles.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.
Not exceeding ...	100	0 2	0 4	0 8	0 12	1 0	1 4	1 8
Not exceeding ...	300	0 6	0 12	1 8	2 4	3 0	3 12	4 8
Not exceeding ...	600	0 12	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding ...	900	1 2	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding ...	1,200	1 8	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding	1,200	1 14	3 12	7 8	11 4	15 0	18 12	22 8

Provided that not more than one letter shall be enclosed in a banghy parcel, under a penalty not exceeding fifty Rupees. All articles not exceeding twelve tolahs in weight, sent through the Post Office, shall be conveyed by letter-post and be charged with letter postage, unless specially directed to be sent by banghy post.

Table of distances.

11. Banghy postage, when chargeable by distance under Section 10 of this Act, shall be calculated and charged according to a Table of Distances which shall be prepared by order of the Governor General of India in Council, on such principles as shall appear to him equitable and convenient, and may from time to time be corrected. And it shall be lawful for the Governor General of India in Council to declare that the distances from or to Post Offices not entered in the Table shall, for the purposes of this Act, be regarded as represented by the distances shewn in the Table, from or to the Post Offices nearest to them respectively. Each Post Master General shall prepare from the aforesaid Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices in India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made, and such list shall be affixed in some conspicuous place in such Post Office.

Where banghy parcels and letter mails are conveyed in the same carriage.

12. Whenever the Post Master General of any Presidency shall have notified in the official *Gazette* that the banghy post is conveyed with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post along any such line of road, any such letter, written communication, or newspaper enclosed in a parcel, shall forfeit for every such offence a sum not exceeding fifty Rupees, and postage shall be charged for every such letter, written communication or newspaper, as if sent separately by the letter-post.

Where there is no banghy post.

13. Where there is no banghy post established on any line of road, letters, parcels and other articles exceeding twelve tolahs and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section 5, and newspapers, pamphlets, and other printed or engraved papers, according to the scale in Section 6 of this Act, as the case may be; parcels and book packets shall be charged with banghy postage according to the scale in Section 10 or Section 15 of this Act, as the case may be, if it be certified in writing, on such parcel or book packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, or other article on which a higher rate of postage is chargeable under any Section of this Act.

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

Certificate.

14. If any such certificate be false, any such letter or other article contained in such certified parcel or book-packet shall be charged with postage according to the rate specified in Section 5 or Section 6 of this Act as if sent separately, and the sender shall be subject to the penalty hereinafter provided. Parcels exceeding forty tolahs and not exceeding six hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master, or Deputy Post Master to whom such parcels are brought for despatch, to forward them at such times and in such manner as may be convenient.

Parcels exceeding forty tolahs, to be forwarded at discretion of Post Master.

Ship postage on parcels.

15. On all parcels chargeable under Section 10 of this Act with banghy postage, according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of Her Majesty's Indian post by sea, according to the following scale, that is to say—

On every parcel not exceeding twenty tolahs, two annas.

On every parcel exceeding twenty tolahs, but not exceeding forty tolahs, four annas.

On every parcel exceeding forty tolahs, but not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas. Every fraction of one hundred tolahs above one hundred tolahs, shall be charged as one hundred additional tolahs; and if such parcel be conveyed by Her Majesty's Indian post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Books, pamphlets, &c.

16. Subject to such rules and conditions as the Governor General of India in Council may from time to time direct, books, packets of newspapers and of printed or engraved or manuscript papers other than newspapers, provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon, as hereinafter provided, shall, if sent by the banghy post, be charged with the following rates of postage, without reference to the distance to which they may be carried :—

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs, shall be charged as twenty additional tolahs.

If the postage chargeable on any such book, or other article, be not prepaid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in Section 10 of this Act.

Governor General in Council may direct prepayment of postage in all cases.

17. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters or other articles shall not be forwarded by post, unless the postage thereof shall be fully prepaid by means of a proper stamp or stamps; or that on all or any letters, or other articles on which the postage shall not be fully prepaid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Governor General of India in Council may alter the rates of postage.

18. It shall be lawful for the Governor General of India in Council from time to time to authorize the levy of postage at rates different from those prescribed in this Act, provided that no increase be made in any particular of the rates prescribed in Sections 5 and 6 of this Act.

Governor General may fix rates of steam postage;

19. It shall be lawful for the Governor General of India in Council from time to time to direct that postage duties, different from the rates authorized by this Act, shall be chargeable on letters, or other articles to be specified in such order, sent through the post from or to any part of Great Britain, or any British Colony, or any Foreign Country to or from any places in British India. The postage charged on any letter, or other article specified in any order of Council made under this Section, whether under the name of steam postage or any other denomination, shall, after the rates of such postage have been published in the official *Gazette* of any Presidency, be recovered in the same manner as postage under this Act.

may fix rates of postage for articles sent wholly or partly by sea.

20. It shall be lawful for the Governor General of India in Council to fix, from time to time, rates of postage to be levied on all letters or other articles transmitted by post, by sea or partly by sea and partly by land from one port or place in India to another: it shall not be necessary that such rates be uniform; but they may vary according to the conveyance or route by which such letters or other articles shall be sent.

Registered letters.

21. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article; and it shall be lawful for the Governor General of India in Council to direct that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

22. It shall be lawful for the Governor General of India in Council from time to time by order to declare in what cases registration shall be compulsory, and to direct that a double registration fee shall be levied on the delivery of any letter or other article which ought, under the order of the Governor General in Council, to have been registered at the time of posting, on which the registration fee shall not have been prepaid.

Expresses.

23. It shall be lawful for the Governor General of India in Council from time to time to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

Re-directed letters.

24. On every letter or other article which shall be re-directed at any Post Office, or forwarded by post from any place to which it shall have been conveyed by post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable if posted and prepaid by stamp at the place where it shall be re-directed.

Letters and other articles once put into the Post Office cannot be re-called.

25. No person having delivered into any Post Office any letter or other article, shall be entitled to re-call the same; but nothing in this Section shall prevent the re-delivery of any such letter or other article to the sender thereof, subject to such Rules and Regulations, if any, as the Governor General of India in Council may from time to time provide in that behalf.

Postage on unpaid letters, &c., to be paid by the receiver.

26. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or other article shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Secretary of State for India by any Post Master General, or by any Officer in charge of a Post Office by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or other article addressed to that person, not being superscribed as on Her Majesty's Service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery office may remit the postage.

Unclaimed letters, &c.

27. *Clause* 1.—A list of all letters and other articles posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such office; and all such letters and other articles which shall have remained three weeks unclaimed in any office, shall, if the sender's name and address are written on the cover, be returned to the posting office to be delivered to the sender free of all charge: all letters and other articles, of which the sender's name and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the office of the Post Master General of the Presidency.

To be opened, &c.

Clause 2.—The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters or other articles, and if the address of the sender can be discovered, shall enclose them in Dead Letter covers and return them to the sender. All letters and other articles, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the office of the Post Master General for one year, be destroyed.

Money, &c., found therein.

Clause 3.—All money found in any unclaimed letter, or other article, shall be paid into the public Treasury; and all other valuable property found as above, shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose; and the proceeds of the sale shall be paid into the public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Refused letters, &c.

28. Every letter or other article rejected unopened by the person to whom it is addressed, shall, if any postage is due thereon and if the sender's name and address are written on the cover, be returned to the posting office, in order that the postage due may be recovered from the sender; in all other cases, or when the sender's name and address are not on the cover, such letter or other article shall be forthwith sent to the office of the Post Master General of the Presidency, who shall open the letter or other article and take measures to recover the postage from the sender, or shall at his discretion destroy the letter or other article; and all money or other valuable property which such letter or other article may contain, shall be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

Commanders of inward-bound vessels carrying Mails—how to proceed.

29. When any vessel arrives by sea at any place within British India at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box and packet on board of such vessel which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office, or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter, mail bag, box or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel, who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand Rupees.

Penalty.

Detention of letters on board, prohibited.

30. Every person, being either the Commander of a vessel inward-bound, or any one on board such vessel, who shall, within British India, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty Rupees, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred Rupees.

Bounty money.

31. For every letter delivered by the Commander of any ship, in conformity with the directions of Section 29 of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Section 29 and the former part of this Section of this Act, shall extend

to any letter or mail bag, or box or packet conveyed by any mail ship or mail steamer recognized as such by the Governor General of India in Council.

Commanders of outward-bound vessels to receive mails on board.

32. The Commander of every vessel leaving any place in British India by sea, shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section, shall be punished with a fine not exceeding one thousand Rupees.

No dangerous substance to be sent by post.

33. No person shall knowingly post, or send, or tender, or deliver, in order to be sent by the post, any letter, parcel or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall be punished for every such offence, with a fine not exceeding two hundred Rupees.

Postage Stamps.

34. All letters and other articles having a stamp or stamps affixed thereto (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act), shall, provided the stamp or stamps shall not have been used before, be considered as prepaid.

How to be provided.

35. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

Postage Stamps to be under management of any Officer to be appointed.

36. Postage stamps, provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall from time to time direct: postage stamps shall be considered as stamps issued by Government for the purpose of Revenue, within the meaning of the Indian Penal Code; and all sums of money realized by the sale of such stamps, shall be carried in the public accounts to the credit of the Post Office.

Vendors of Postage Stamps to be appointed.

37. The Governor General of India in Council may from time to time make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and condition postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them; and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

Vendors to be bound by rules.

38. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be punished with a fine not exceeding two hundred Rupees, in addition to any other proceedings to which they may be liable.

Penalty of vendor refusing to supply stamps.

39. Any Government vendor of postage stamps who shall be convicted of refusing, or unnecessarily delaying without reasonable excuse to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be punished with a fine not exceeding one hundred Rupees.

Penalty of vendor selling stamps for higher price than the value denoted thereby.

40. Any Government vendor of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be punished on conviction with imprisonment of either description as defined in the Indian Penal Code, for any term not exceeding six months, or shall be liable to a fine not exceeding one hundred Rupees; and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Criminal Court, in the same manner as any penalty under this Act.

Franking abolished.

Letters on Her Majesty's Service, duly certified as such, how to be charged.

41. Letters and other articles on Her Majesty's Service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post, and the postage due thereon shall be charged to or recovered from the several Public Departments to or from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall from time to time direct.

Penalty for false certificate.

42. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify by writing on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver, for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section abovementioned, shall, for every such offence, be punished with a fine not exceeding five hundred Rupees.

Penalty for detaining Mails.

43. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet or mail bag or box in transit from one Post Office to another, and every person who shall be guilty of any of the abovementioned offences, shall be punished with a fine not exceeding five hundred Rupees.

Penalty for retaining letters, &c., delivered by mistake.

44. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or detain, or being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a mail bag, box or packet containing a letter or other article which shall have been sent by the post, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to a fine.

Penalties for breach of privilege.

45. *Clause* 1.—Every person who shall convey, otherwise than by the post, a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty Rupees.

Clause 2.—Every person who shall perform, otherwise than by the post, any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 3.—Every person who shall make a collection of letters for the purpose of transmitting them through the post in a "Clubbed" packet, and every person who shall knowingly tender or deliver a letter to be sent in a Clubbed packet, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 4.—Every person who shall send a letter not excepted from the said exclusive privilege, otherwise than by the post, or shall either tender or deliver a letter not so excepted, in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 5.—Every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 6.—Every person who shall carry, receive, tender or deliver a letter, or collect letters contrary to the provisions of Section 3 of this Act, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 7.—Every person who shall be in the practice of committing any of the acts mentioned in this Section, shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred Rupees.

Penalty for neglect on the part of persons employed to carry mails.

46. Every person employed to convey or deliver any mail bag, or box, or any letter or other article sent by post, who shall be guilty, while so employed, of drunkenness, carelessness or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, box, letter or other article; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter or other article, shall be liable to a fine not exceeding fifty Rupees; and any person employed to deliver a letter or other article sent by the post, who shall not duly deliver the same, shall, within a reasonable time not exceeding twenty-four hours, report the fact at the Post Office where he received such letter or other article and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty Rupees.

Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.

47. Whoever being in the employ of the Government in the Post Office Department, shall steal, fraudulently secrete, destroy, throw away or appropriate any letter or other article sent by post, or anything contained in any such letter or other article, or shall mutilate or break open any such letter or other article, or any banghy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding seven years, and shall also be liable to a fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

48. Whoever being in such employ as last aforesaid, shall fraudulently put any wrong mark on any letter or other article, or shall fraudulently alter, remove or cause to disappear any mark or stamp which is on any letter or other article; or shall fraudulently use or place with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article; or being entrusted with the delivery of any letter or other article, shall knowingly demand or receive any sum of money for the postage thereof other than the sum duly chargeable for such postage; or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalty for incorrectly preparing documents, or secreting documents, by persons employed in the Post Office.

49. Whoever being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare the document incorrectly, or alter that document, or shall aid, abet, or conceal any of the abovenamed acts, or secrete or destroy that document, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters without charging postage, by persons employed as above.

50. Whoever being in such employ as last aforesaid, shall send by the post, or put into any mail bag or box, any unstamped letter or other article upon which postage has been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter or other article, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Any person charged with offence punishable with fine only may be summarily convicted.

51. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Criminal Court upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

52. No conviction, order or judgment of any Criminal Court, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them shall be returned with the conviction, order or judgment, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment, shall be aided by what so appears in such depositions.

Magistrate may refer charge to his Assistant.

53. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Fines—how levied.

54. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Criminal Court or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case: the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

Moiety of fines to informer.

55. A share, not exceeding one moiety of every fine imposed and recovered under this Act, may be awarded to the informer.

No proceedings to be taken without an order.

56. No proceedings shall be taken for the recovery of any fine imposed under the authority of this Act, for offences punishable by fine only, without an order of Government, or an order in writing under the hand of the Director General of the Post Office, or of a Post Master General.

Public servants committing offences in Foreign States in alliance.

57. If any public servant who shall be employed in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the Government of India or any local Government with the sale of postage stamps within the Dominions of any Foreign Prince or State in India in alliance with Her Majesty, in which a post shall be established by the Government of India, shall, within the Dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed or entrusted as aforesaid within British India, such public servant shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within British India; and every such person may be tried, convicted and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council, to take cognizance of offences committed in such Dominions by public servants, or by any Court or Magistrate, or other competent Officer in any part of British India, in the same manner as if the offence had been committed in such part.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

58. If any Officer in charge of a Post Office shall suspect that any letter or other article lying for delivery at his office, contains any contraband article, or any article on which duty is owing to Government; or that any letter or other article lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections 7, 10, 12, 13, 42 of this Act, it shall be lawful for such Officer to summon the person to whom the letter or other article is directed, to attend at the Post Office by himself or agent, within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter or other article in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter or other article shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior

proceedings, and that the opening of the same and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel through the Post Office by sea to any foreign port, or to any place not on the Continent of India, unless such parcel be accompanied by a Custom House Pass.

Government not responsible for loss.

59. The Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance; and no person employed by the Government in the Post Office Department, shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

Governor General in Council may frame Rules.

60. It shall be lawful for the Governor General of India in Council from time to time to frame Rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed and delivered.

District dawks.

61. It shall be lawful for the Governor General of India in Council from time to time to frame Rules for the management of all or any zemindaree, thannah, or other district dawks, and to declare from time to time what portions of this Act shall be applicable to such dawks, and to persons employed in connexion therewith.

Property sent by the post to be laid in the Post Master General.

62. Whenever an offence shall be committed in respect of any mail bag or box, or any letter or other article sent by the post, it shall be lawful to lay in the charge to be preferred against the offender, the property of such mail bag, box, letter or other article in the Post Master General of the Presidency; and it shall not be necessary in the charge to allege or to prove upon the trial or otherwise, that such mail bag, box, letter or other article was of any value; and in any charge to be preferred against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state that such offender was employed under the Post Office at the time of committing the offence, without stating further the nature or particulars of his employment.

References to Act XVII. of 1854, to be read as made to this Act.

63. References to any Section of Act No. XVII of 1854 made in any Act passed subsequent thereto, shall be read as if made to the corresponding Section of this Act.

Interpretation Clause.

64. In this Act—unless there be something repugnant in the subject or context—"Criminal Court" includes every Judge, Magistrate, Justice of the Peace, or Police Magistrate lawfully exercising jurisdiction in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed Packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Mails" shall include any letter, parcel or other article conveyed under the provisions of this Act, as well as any box, bag or other article, or any carriage, horse, messenger or other person employed or used by the Post Office for the conveyance or safe custody of the mails; and "British India" includes the Territories which are now or shall be vested in Her Majesty or Her Successors by the Statute 21 and 22 Vic., Cap. 106 *(An Act for the better Government of India)*.

Short title.

65. This Act may be cited as "The Indian Post Office Act, 1865."

STATEMENT OF OBJECTS AND REASONS.

Various amendments of the Post Office Act No. XVII. of 1854, having from time to time presented themselves as desirable, and the phraseology of the existing Act being in some respects obsolete, and several of the Penal Sections having become superfluous by the passing of Act XLV. of 1860 (The Indian Penal Code), it is considered expedient to repeal the existing law, and to enact a new one embodying all the alterations both of form and of substance which have become desirable. The principal amendments proposed will be found in Sections 5, 15, 18, 20 and 22 of the Bill.

Section 5 (corresponding with Section 6 of the present law) enacts the rates to be charged on letters, and it is proposed that postage should increase by one anna for each half tola or fraction thereof above one tola, instead of by two annas for every tola or fraction thereof above two tolas, as under the existing law.

Section 15 (corresponding with Section 17 of the present law) enacts the rates to be charged as "Ship Postage" on parcels conveyed by the Indian post by sea; the proposed alteration being that parcels not exceeding twenty and forty tolas, shall be taxed at the rate of two annas and four annas respectively, instead of at the rate of eight annas which is now leviable on all parcels which do not exceed one hundred tolas in weight.

Section 18 (corresponding with Section 25 of the present law) gives to the Governor General in Council authority to alter all rates of postage, but not so as to increase the rates of letter and newspaper postage.

The authority thus proposed to be given, differs from that possessed under the existing law, in the absence of restriction in respect of increase, so far as the rates of book and parcel postage are concerned.

Section 20 gives to the Governor General in Council authority (which is not possessed under the present law) to fix the rates of postage on letters, &c., conveyed by sea, or partly by sea and partly by land, within the limits of British India: these rates being, under existing arrangements, the same as the ordinary inland rates, together with steam postage (in a consolidated form) where the sea conveyance is effected by mail packets under contract or convention with Her Majesty's British Government.

Section 22 gives to the Governor General in Council authority (not possessed under the present law) to declare in what cases registration shall be compulsory, and to direct the levy of a double registration fee on delivery in such cases, in default of prepayment. The intention of this Section is to provide for the introduction in the Indian Post Office, of a measure similar to that introduced in 1862 in the British Post Office, the object of which was explained by Her Majesty's Post Master General to be "to put a stop to the "frequent loss of letters containing coin, forwarded "through the post without the security of regis-"tration, and to remove from the Officers of the "Post Office the temptation to dishonesty offered "by the passage of such letters."

Two years' experience has proved the utility of the regulation in respect of the British Post Office; and it is, therefore, considered desirable to provide in this Bill for the application of a like measure to the Indian Post Office.

W. GREY.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India, Home Dept. (Legislative).

HOME DEPARTMENT.

No. 2439.

Simla, the 2nd October 1865.

Notifications.—The Governor General having notified his intention of leaving Simla for Calcutta on the 25th of October 1865, His Excellency in Council is pleased, in virtue of the power conferred by the 9th Section of the Act XXIV. and XXV. Vic., Cap. 67, to direct that the Council of the Governor General shall, after that date and until further notice, assemble at Calcutta in the Territories administered by the Lieutenant Governor of Bengal.

No. 2473.

The 3rd October 1865.

Assistant Surgeon B. T. Suffrein assumed medical charge of the Civil Station of Prome, British Burmah, on the forenoon of the 29th August 1865, as a temporary arrangement.

No. 2476.

The 2nd October 1865.

His Excellency the Viceroy and Governor General, under the authority vested in him by Act XXIV. and XXV. Vic., Cap. 67, Section 10, is pleased to nominate Stewart St. John Gordon, Esquire, of the Bombay Civil Service, to be an additional Member of the Council of the Governor General, for the purpose of making Laws and Regulations only.

No. 2481.

The 3rd October 1865.

The undermentioned Officers in Oudh are invested with the powers of a subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV. of 1861:—

Mr. C. W. McMinn, Civil Service, Assistant Commissioner, 3rd Grade, Hurdui, Officiating Assistant Settlement Officer.

Mr. J. Woodburn, Civil Service, Officiating Assistant Commissioner, Seetapore.

No. 2536.

The 6th October 1865.

The Governor General in Council has been pleased to grant one month's privilege leave of absence to Mr. R. G. Hodson, Deputy Inspector of Schools in Mysore, from the 1st October 1865.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 1982.

GENERAL.

Simla, the 5th October 1865.

Notifications.—Mr. E. S. Robertson, C. S., now attached to the North-Western Provinces, is appointed to officiate as Deputy Commissioner of Fyzabad in Oudh.

No. 1993.

The 6th October 1865.

Surgeon T. W. R. Amesbury, of the 1st Bengal Cavalry, is appointed to the medical charge of the Political Agency and Civil Establishments at Nowgong, in addition to his other duties.

W. MUIR,
Secy. to the Govt. of India.

No. 1968.

GENERAL.

The 3rd October 1865.

Notifications.—Lieutenant H. Spearman, Assistant Commissioner, 3rd Grade, in British Burmah, has been granted privilege leave of absence from the 3rd July to 4th August 1865, inclusive.

No. 1971.

The 4th October 1865.

Mr. A. J. Lawrence, Settlement Officer of Bhundara, in the Central Provinces, has obtained privilege leave of absence for three months from the 1st instant, or from the date on which he may avail himself of it.

No. 1973.

Mr. C. Lindsay, Deputy Commissioner of Mohumdee in Oudh, returned to his duty on the forenoon of the 20th ultimo, from the leave granted him in G. O. No. 1671, dated 14th August 1865.

No. 1975.

Assistant Surgeon T. Beaumont, M. D., in medical charge of the Indore Residency, has obtained twelve days' leave from the 7th ultimo, to visit Bombay, preparatory to applying for furlough to Europe on medical certificate.

No. 1977.

Lieutenant E. Faunce, appointed in G. O. No. 1491, dated 17th July last, to be Officiating Assistant Commissioner, 3rd Class, in the Hyderabad Assigned Districts, assumed charge of his office at Oomrawuttee on the afternoon of the 29th August 1865.

No. 1979.

The 5th October 1865.

Captain H. F. Newmarch, Deputy Commissioner of Bhundara, is appointed to officiate as Settlement Officer of that District, in addition to his own duties, during the absence on leave of Mr. A. J. Lawrence.

A. COLVIN,

Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2741.

Simla, the 3rd October 1865.

Notification.—Lieutenant W. Vertue, Assistant Commissioner, Nagpore, in the Central Provinces, will carry on the duties of the Assistant to the Deputy Commissioner of the Nagpore Circle of Issue of Paper Currency, during Mr. Sterndale's absence on leave or until further orders.

No. 2781.

The 6th October 1865.

Appointments.—Mr. R. P. Harrison to be Comptroller General of Accounts.

Mr. T. Peachey to be Deputy Comptroller General of Accounts, but to continue in addition to discharge the duties of Principal Assistant Secretary in the Financial Department, until further orders.

Published by Order of the Governor General of India in Council,

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 2nd October 1865.

No. 897 *of* 1865.—The following promotion is made, subject to Her Majesty's approval :—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In succession to.
Late 3rd European Light Cavalry	Lieutenant Henry Phipson Peacock	Captain ..	6th May 1865	Captain W. J. S. Richards, 21st Hussars, deceased.

No. 898 *of* 1865.—Captain Robert Ochoncar Hawkins Forbes, of the Bengal Staff Corps, is allowed furlough in India on private affairs for two years, from the 15th October 1865.

No. 899 *of* 1865.—Conductor Charles Grossmith, of the Ordnance Commissariat Department, is allowed leave of absence for two months, from the 26th ultimo, to visit Bombay preparatory to proceeding to Europe on furlough on private affairs.

The 3rd October 1865.

No. 900 *of* 1865.—The Right Hon'ble the Governor General in Council is pleased to confer the local and temporary rank of Major General on Brigadier General J. M. B. F. Tytler, C. B., while in command of the troops on the Eastern Frontier, and during the continuance of operations against Bhootan or until further orders, with effect from the 1st November next. Major General Tytler will be considered on the footing of an Officer Commanding a Division in the Field.

2. Brigadier General W. W. Turner, C. B., Commanding the Peshawur Brigade, is appointed Second in Command of the force serving under the orders of Major General Tytler, C. B.; and Lieutenant-Colonel T. Wright, who has just completed the prescribed period of service as Assistant Adjutant General of the Peshawur Division, is nominated in the same capacity to the troops on the Eastern Frontier, as long as they may constitute a divisional command.

The 4th October 1865.

No. 901 *of* 1865.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant-Colonel R. C. Wroughton, Bengal Infantry, Deputy Commissary General.	9th Sept. 1865.

No. 902 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Surgeon Alfred Godley Crewe, of the Medical Department, in medical charge, 30th Native Infantry.	For twenty months, under the new Regulations.

No. 903 *of* 1865.—The undermentioned Officer having completed twenty-six years' service, eight years of which were on permanent staff employ, to be Lieutenant-Colonel from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major J. S. Davies, ... 18th September 1865.

No. 904 *of* 1865.—The undermentioned Officers having completed twenty years' service, six years of which were on permanent staff employ, to be Majors from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain E. K. O. Gilbert, 20th September 1865.
Do. B. G. VanderGucht, ditto.

No. 905 *of* 1865.—The following promotions are made in the Warrant Grades :—

Army Commissariat Department.

Serjeant and Acting Sub-Conductor Joseph Rawdon to be Sub-Conductor from 16th September 1865, *vice* Sub-Conductor Conolly, deceased.

Serjeant Patrick Cahill to act as Sub-Conductor from 16th September 1865 and until further orders, *vice* Rawdon, confirmed in that grade.

No. 906 *of* 1865.—The undermentioned soldier of Her Majesty's service, is permitted to reside and draw his pay in India as an out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home authorities as to the amount of his pension :—

Gunner Thomas Meggeson, C. Battery, 19th Brigade, Royal Artillery.

No. 907 *of* 1865.—The following temporary promotions are made in the Warrant Grades :—

Army Commissariat Department.

Sub-Conductor R. Tear, to act as Conductor; Serjeant J. Smithwick, to act as Sub-Conductor, during the absence on sick leave to Europe of Conductor M. O'Loughlin, or until further orders.

The 5th October 1865.

No. 908 *of* 1865.—The following military letter from the Right Hon'ble the Secretary of State for India, is published for general information :—

MILITARY. INDIA OFFICE;

No. 270. *London, the 31st August* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—The undermentioned Officers and Warrant Officer have been permitted to return to their duty, *viz.* :—

Major R. T. Leigh, per *St. Lawrence.*
Do. H. R. Drew, per Steamer, 20th September.
Captain G. A. Brown.
Do. H. A. Mallock, per Steamer, 1th August.
Do. G. L. Fraser.
Do. W. Musgrave, per *St. Lawrence.*
Lieutenant J. Johnstone.
Do. G. N. Channer.
Do. F. W. Macmullen.
Do. J. Finnis, per *Hotspur.*
Apothecary F. J. Grove, per *Sea Queen.*

2. The undermentioned Officers have been granted extensions of leave for the periods specified, *viz.* :—

Lieut.-Colonel J. W. Carter,	...	6	months.
Do. D. S. Dodgson,	...	6	do.
Major W. T. Baker,	...	6	do.
Do. W. C. Hamilton,	...	4	do.
Do. W. Graydon,	...	6	do.
Do. E. Thompson,	...	3	do.
Captain W. Hichens,	...	6	do.
Do. D. G. Manning,	..	6	do.
Do. C. P. Hunter,	...	6	do.
Do. W. Davison,	..	6	do.
Lieutenant J. S. Robinson,	...	6	do.
Do. E. F. Fortescue,	..	4	do.
Do. G. R. Hennessy,	...	6	do.
Do. C. S. Noble,	..	5	do.
Do. A. W. Parker,	...	6	do.
Do. E. H. Willock,	...	6	do.
Do. F. L. S. Dyce,	..	6	do.
Assistant Surgeon J. J. T. Lawrence		6	do.

3. Surgeon Major F. Douglas has been permitted to retire from the service. His vacancy has effect from the 25th July 1865.

4. Surgeon Major J. H. Littler, who has attained the age of fifty-five, has been examined by a Board as to his fitness for further service. The Board having reported that Dr. Littler will not be able to render effective service again in India, he has been allowed to retire on the next higher pension to that to which his service entitles him. His vacancy has effect from the 27th July 1865.

I have, &c.,

(Signed) E. CARDWELL.

No. 909 *of* 1865.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
17th (The Loyal Poorbeah) Regiment of N. I.	Jemadar Sreekissoon Misser	Subadar...	27th May 1865	Wullee Mahomed Khan, deceased.
	Havildar Bindah Sing	Jemadar...	Ditto	Sreekissoon Misser, promoted.

No. 910 *of* 1865.—His Excellency the Governor General in Council is pleased to notify for general information, the following appointment in the—

CACHAR MOUNTED VOLUNTEERS,

2nd Troop.

Captain T. J. Phillips, subject to his passing an examination in drill before the Inspecting Officer.

No. 911 *of* 1865.—Captain A. W. C. Read, of the 51st (King's Own) Light Infantry, having been permitted to withdraw his application to be no longer considered a candidate for the Staff Corps, the G. O. No. 818 of the 25th August 1865, removing him from the appointment of Wing Officer of the 5th Regiment, Punjab Infantry, is cancelled, and he will continue in that situation.

No. 912 *of* 1865.—Captain A. W. C. Read, 51st (King's Own) Light Infantry, Wing Officer, 5th Punjab Infantry, is admitted to the Bengal Staff Corps, subject to the approval of Her Majesty's Secretary of State for India. Date of admission, 3rd August 1865.

The 6th October 1865.

No. 913 *of* 1865.—Naib Ressaldar Juggutt Singh, of the 5th Regiment Bengal Cavalry, is appointed Woordie Major of the Corps, with effect from the 1st May 1865, *vice* Seeta Ram, promoted.

No. 914 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

Corps of Guides.

Lieutenant A. H. Davis, late 2nd Bombay European Regiment, at present attached to the Corps of Guides, to be Doing-duty Officer with the Cavalry of that Regiment, on probation.

No. 915 *of* 1865.—The undermentioned Surgeon of the Bengal Medical Department, is promoted to the rank of Surgeon Major, under the provisions of G. G. O. No. 507 of the 20th June 1864, subject to Her Majesty's approval :—

Rank and Name.	From what date.
Surgeon Andrew Fleming, M. D.	20th September 1865.

No. 916 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Bengal Staff Corps	Major Henry Murray Garstin	Lieut.-Col....	13th June 1865	General John Truscott, Bengal Infantry, deceased.
Bengal Cavalry ...	Captain John Philip Anthony Theobald	Major ...		

No. 917 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Cadre of the late 5th European Light Cavalry	Lieutenant Arthur William Capel,	Captain ...	11th July 1865	Captain S. Boulderson, transferred to 18th Foot.
	Lieutenant Henry Alexander Shakespear	Captain ..	18th July 1865	Captain H. C. Sitwell, transferred to 88th Foot.

No. 918 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Horace Christopher Fagan, of the Bengal Staff Corps.	For twenty months.

No. 919 *of* 1865.—The following order issued by the Resident at Hyderabad, is confirmed :—

No. 133, *dated* 8*th September* 1865.—Sanctioning exchange of appointments between Lieutenant and Adjutant H. F. H. Sewell, 4th Infantry, Hyderabad Contingent, and Lieutenant and Adjutant A. L. Playfair, 5th Infantry, Hyderabad Contingent.

H. W. NORMAN, *Col.*,

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 346.

ESTABLISHMENT.

Simla, the 29*th September* 1865.

Notifications.—Mr. A. B. Gatherer, Assistant Engineer, 3rd Grade, Public Works Department, Mysore, is transferred from the Bangalore to the South Astagram Division, with effect from the 1st October 1865.

No. 347.

The 4*th October* 1865.

Mr. S. J. Simpson, appointed an Accountant, 4th Grade, on probation, in Notification No. 147, of the 1st May last, is confirmed in that appointment, with effect from the 3rd April 1865.

No. 348.

Mr. S. Wood, appointed in Notification No. 343 of the 26th ultimo, an Accountant of the 4th Grade, on probation, and posted to the Central Provinces, is confirmed in that appointment, with effect from the 1st September 1865.

No, 349.

Moorgasum Pillay, Overseer, 3rd Grade, Mysore, is permitted to resign his appointment in the Public Works Department.

No. 350.

The 5*th October* 1865.

Erratum.—In Public Works Department Notification No. 342, dated 25th September 1865, transferring certain Upper Subordinates from the Punjab to Rajpootana, for Punjab read *North-Western Provinces.*

No. 351.

Notifications.—Mr. E. Haldwell, Supervisor, 2nd Grade, Public Works Department, Mysore, is allowed one month's privilege leave, with effect from the 1st October 1865.

No. 352.

Corporal J. Herliby, of the Bombay Sappers and Miners, Overseer, 1st Grade, Public Works Department, Hyderabad, is removed from the Public Works Department, with effect from the 2nd September 1865, and replaced at the disposal of the Government of Bombay.

No. 24F.

REVENUE—FORESTS.

The 28*th September* 1865.

Notification.—Erratum.—In Public Works Notification No. 16F., dated the 22nd August 1865 (Forest Rules for the Central Provinces), published at page 954 of the *Gazette of India*, for "Reserved" read "Unreserved" in Rule XVII.

C. H. DICKENS, *Lieut.-Col.*, R. A.

Secy. to the Govt. of India.

Bye-Laws for the Cities of Fyzabad and Adjoodhia.

The following Rules for the conduct of business and execution of Act XVIII. of 1864, by the Municipal Committee within the city and suburbs of Fyzabad, are, with the approval of the Chief Commissioner, Oudh, published for general information, and are to be considered in force from the 15th September 1865 :—

Conduct of Business.

Meetings of Committee.

I.—There will be one Meeting in every month, *viz.*, on the third Thursday, at 6 o'clock A. M. in summer, and 7 o'clock A. M. in winter.

Emergent or Special Meetings.

II.—The President, or, in his absence, the Vice-President, or, in the absence of both, the Secretary, may on any occasion arising, call an emergent Meeting by Circular or separate summons upon not less than twelve hours' notice; but no business shall be transacted thereat other than that for which the Meeting may be called.

Postponement of regular Meeting.

III.—Should occasion arise to postpone the regular Meeting, due notice must be given; otherwise the Bye-laws must be the guide of each member.

Chairman in absence of the President.

IV.—In the absence of the President, the Vice-President shall take the chair; in the absence of both, the Meeting to elect their own chairman.

Number of Members to form a quorum.

V.—Five members shall constitute a quorum.

VI.—The Chairman shall, in case of equal division, have a second or casting vote.

Chairman to have a casting vote.

VII.—The President shall regulate the course of all business to be brought forward, and preserve order. No discussion on any points of order shall be allowed, unless the President shall think fit to take the opinion of the members present.

Regulation of business.

VIII.—Any member present may submit a point of order to the President.

Submission of point of order to President.

IX.—In proposing or discussing any question, each member shall speak from his place, always addressing the President.

Mode of proposing or discussing any question.

X.—No member shall speak twice upon any motion or amendment, except the mover in reply.

Members not to speak twice upon any motion.

XI.—Votes shall be taken by a show of hands, if the mover of any question demands a poll.

Votes how to be taken.

XII.—Every proposal or amendment shall be in writing, but unless required by the President, the proposal or amendment need not be seconded.

Proposition or amendment to be in writing.

XIII.—All questions from one member to another, relating to the business of the Meeting, shall be put through the President.

Questions from members how to be put.

XIV.—The Meetings of the Municipal Committee are, as a rule, open to the public, but strangers can be requested to withdraw if necessary.

Meetings of Committee open to public.

XV.—All communications intended for the monthly Meeting, must reach the Secretary not later than noon of the day previous to any Meeting.

Communications to be sent in a day previous to Meeting.

XVI.—All correspondence to be referred by the Secretary to the Sub-Committee to which it belongs, immediately on receipt, and their report to be made at next general Meeting through the Secretary.

Correspondence to be referred to Sub-Committee concerned.

XVII.—The division of duties shall be as follows, and members of the Sub-Committees shall be named on the first May of each year, and a list containing the names of each Sub-Committee, will be hung up in the Committee's Office :—

Division of duties.

1ST.—CORRESPONDENCE AND ACCOUNTS.

2ND.—SITES, BUILDINGS, REPAIRS.

3RD.—DRAINAGE, CONSERVANCY, POLICE AND ROAD.

4TH.—ESTIMATES.

XVIII.—The Sub-Committee will regulate and look after all works provided for in the Annual Budget.

XIX.—In all cases of exigency, the Sub-Committee shall have authority to act without immediate reference to the general Committee, if the cost does not exceed Rs. 500, provided the work is one of urgent necessity; and the Secretary, if the exigency be great, may act alone to the extent of Rs. 100; but in other case, an emergent Meeting at twelve hours' notice, should be summoned.

Emergent work.

XX.—Any person desirous of purchasing or renting ground belonging to the Committee, for building or other purposes, shall submit a written application with plans to the Secretary, describing the locality and extent of the ground required,—such application will be made over to the Sub-Committee concerned, for report. In case of sale, the ground shall be measured and marked off, an upset price fixed, and the lot be put up to public auction, after being advertized by Town Crier for fifteen days,—such sales will be held at the Office of the Secretary, who will furnish a printed copy of the general terms of the sale.

Absolute sale of land.

XXI.—In cases of applications for land in the town on lease, the Committee shall be at liberty to determine the maximum rent and to select their tenant. Lands in civil line are rented at four Rupees per acre, *vide* Secretary to Chief Commissioner's Circular letter No. 81-2929, dated 2nd October 1863.

Tenants of land.

XXII.—The Committee may reject any application for grounds on rent or sale, without assigning reasons to the applicant, or may impose as one of the conditions, that buildings, out-buildings, and surrounding walls or enclosures, shall be of a certain character or value, and be constructed within such time as may be fixed at the time of sale or lease, subject, in case of failure, to resumption of the ground.

XXIII.—The names of streets shall all be gradually put up, and any person found guilty of destroying or defacing such indicators, shall be subject to fine.

Names of Streets.

XXIV.—No tenant of a house, holding a permanent or temporary lease, shall be allowed to sub-let without permission of the Committee first obtained.

Sub-letting of a house without permission interdicted.

XXV.—No member of the Municipal Committee shall be allowed to take any contract, or have any pecuniary interest in any contract granted by the Committee or their Municipal Engineer.

Members of Committe not to take contracts.

XXVI.—The Municipal Engineer will be the referee of the Committee in all engineering questions, large and small, and be guided in the performance of his duties by such Rules as may be framed by the Committee.

Municipal Engineer.

NUISANCES.

XXVII.—In addition to the nuisances provided for by the Acts quoted in the margin, the following are now defined as local nuisances within the cantonment and city of Fyzabad and town of Adjoodhia, and prohibited under the authority vested in the Municipal Committee, under Section 15, Act XVIII. of 1864, and subject to the penalty declared therein :—

Act XLV. of 1860, Penal Code.
Act XXV. of 1861, Criminal Procedure Code.
Act V. of 1861, Police Act.

1. Quarring kunkur and digging for bricks without permission, or cutting down trees or grass on public ground.

Excavations or Cutting Trees, &c.

2. Leaving lands or buildings so neglected as to afford shelter to thieves or disorderly persons, or otherwise becoming a nuisance.

Neglected buildings or land.

3. Erecting any temporary or permanent building, wall, shed, awning, chubootra or enclosure, without license.

Erecting walls, sheds, &c.

4. Growing high crops without permission, such as are likely to be prejudicial to the public health, or to affect the public safety by affording cover or shelter to thieves and other bad characters.

High crops.

5. Picketting animals, or collecting carts or forming encampments on any public ground, without permission.

Picketting cattle or forming encampments.

6. Flying paper kites, or engaging in any other games in such manner as to be a nuisance, or likely to endanger passengers on the public roads.

Flying kites.

7. Collecting or depositing night soil and other filth in any place not specially set apart for that purpose.

Filth deposits.

8. Disobeying any order of the Committee acting as a Board of Health, for the removal of vegetation and under-wood calculated to obstruct ventilation, or neglecting to keep in repair and properly clear, an enclosure or premises.

Committee as Board of Health.

9. Neglecting in any estate, compound, enclosure or premises, to keep in proper repair and properly clean, any privy or latrine.

Neglecting premises or latrines.

10. Constructing drains or cesspools, or neglecting the same in such a manner as to affect the health of the public.

Drains and cesspools.

11. Using any place for purposes of nature, except the public latrines.

12. Begging in the bazaars or other public streets or thoroughfares of the civil lines and cantonment, or otherwise causing annoyance to passers by—provision having been made for a Relief Fund, and a Blind and Leper Asylum.

Begging.

13. Using driving roads during driving hours by camels and elephants or loaded carts, and using any portion of the road excepting the sides at other times.

Camels, elephants, or loaded carts.

14. Driving carriages, buggies, dog-carts or other conveyances after dusk, without clear lights on both sides of the same.

Lights to carriages.

15. Driving otherwise than on the left hand side of the road, or passing any other conveyances otherwise than by leaving them to the left hand.

Driving on proper side of road.

16. Letting loose, or allowing to stray or graze any cattle whatsoever, in any public place without permission.

Stray cattle.

17. Storing more than five maunds of saltpetre, or one maund of gunpowder, or five maunds of fireworks.

Combustibles.

18. Establishing depôts for hay and bamboos within city limits, except at such places and under such conditions as may be fixed by Sub-Committee of Conservancy.

Hay and bamboos.

19. Forming up or moving of processions at night on any public road, without a written order from the Superintendent of Police.

Processions.

20. Failure, on the part of Native musicians in processions, whether by night or by day, to cease playing at the approach of any carriage or other conveyance to which horses may be harnessed.

Native musicians.

21. Burying on any ground once publicly declared by the Committee as closed, or using an unlicensed cemetery.

Burying ground.

22. Disposing of any corpse in the river Gogra, or in any ravine or nullah leading to the river above the Dilkoosha Burning Ghât, as fixed by Sub-Committee, and in Adjoodhia above Ramghâut.

Throwing bodies into river, &c.

23. Neglecting the removal, within a reasonable time, to the place set apart for the burial, of the carcass of any animal which may die on the owner's or occupier's premises.

Carcasses of animals.

24. Destroying trees or plucking fruits or flowers in public garden.

25. Making a public thoroughfare of public gardens intended only for pleasure seekers.

CHAPTER II.

Municipal Engineer.

1. He will not be a Member of the Committee, but will be required to be in attendance, when requisite, at their Meetings, to give his opinion on questions relating to his Department, and also of laying before the Committee any projects which require their sanction.

Engineer not to be a Member of the Committee.

2. The Municipal Engineer and his subordinates will be considered the custodians of all municipal property, such as bridges, roads, drains, &c.; they will constantly keep themselves informed of their state, and bring to notice any repairs that may be from time to time required.

Custody of municipal property.

3. He will have an Office Establishment perfectly distinct from the writer to the Municipal Committee, who will have nothing to do with the accounts or Municipal Engineer.

Establishment for.

4. For this Office Establishment, one writer and one draftsman with a moonshee will suffice; the Establishment now proposed and subject to revision after one year, will consist of—

1. Municipal Committee Establishment, } As
2. Office Establishment, } below.

The former to include all darogahs, chowkeedars, &c., employed in general supervision, or in guarding general stores not chargeable to any particular work; and the latter, all writers employed in preparing general accounts, draftsman, personal chuprassees and other men who might be strictly included in the term, and who are not chargeable to any particular work. The principle must be enforced that, as far as possible, chowkeedars, moonshees and other men of the kind, when employed on one or two works, should be charged to those works—their pay being covered by the estimated cost of such works.

Certain Establishment to be charged to work.

5. This system is now followed in the Public Works Department, and answers well. No work should be commenced (except in urgent cases), otherwise than on a regular estimate signed by the Municipal Engineer, accompanied, where necessary, by proper drawings, and sanctioned in writing by the proper authority, according to the rules in force.

Works not to commence without written permission.

6. A list of works in progress during each month, will be submitted at its close to the Municipal Committee, showing the authority (which should invariably be given in writing), and noting any works completed during the month. The Committee would thus be kept cognizant of all that is being done.

Monthly Progress Report of works.

7. The rates assumed should be examined and passed by the Executive Engineer, or any other professional Member of Committee; and the calculations of the abstract being checked in the Municipal Committee's Office, the estimates should then be laid before the Committee for orders.

Examination of estimates.

8. The Municipal Engineer will have formal sanction in writing for all expenses that he has to incur, and will be responsible for working within the estimate and amount sanctioned, or should he find he is unable to do so, for at once reporting the matter and obtaining sanction for the further outlay required, by means of a supplementary or revised estimate prepared on the same principle as the original one.

Engineer responsible for working within estimates.

9. All sanctions will be entered by Committee in a ledger, and grants of cash on the Municipal Engineer's monthly applications, will be made in reference thereto and entered on the other side. This will check the applications in a general way, and they should also be considered in a reference to the possibility and probability of expending the sum asked for, before the next application is due.

Committee to keep account of all sanctions and orders of cash payment.

10. On sanctioning the application of Municipal Engineer for funds, the amount will be placed at his credit in the Deputy Commissioner's Treasury, and he will effect all payments above Rupees twenty in amount by check on his Treasury, in favor of parties actually entitled to receive the money.

Funds for expenditure by Engineer to be placed in.

11. No disbursements shall be made by Municipal Engineer through overseers or others.

12. Figured abstracts, as kept in Public Works Department, will be kept by Municipal Engineer, shewing the expenditure on each sub-heading of estimate. These figured abstracts are for the purpose of preparing the accounts, and will not be ordinarily submitted to the Committee; but such abstracts, as well as such books, papers and documents of all sorts, as relate to the business and duties performed by the Municipal Engineer for the Committee, are to be the property of the Committee, and freely open to immediate inspection and liable to instant delivery, agreeably to orders by the Committee.

Abstracts and Account Books of Engineer.

13. The Municipal Engineer will submit monthly bills for works done during the month. These bills will be passed on similar principle as the abstract of estimate, so as to allow comparison therewith; and after checking the rate, they will be compared by Committee with estimate, and if below estimate, the money will be paid; if above, satisfactory explanation will be demanded.

The Municipal Engineer will be responsible for the proper preparation of these bills, both in regard to quantities of work returned and the cost stated.

14. On the completion of any work, the Municipal Engineer will report concisely that the work has been properly and efficiently executed according to the estimate, or otherwise detailing the actual state of the case, and will attach to such Completion Report the certificate as per margin. The Committee will then have the work examined as thought necessary, the total cost of the work will be taken out from the bills, &c., and if satisfactory, the work will be formally passed, and until formal passing, the Municipal Engineer will remain responsible in every way for the work, both as regards quality, charges made, quantities returned, &c.

Completion Report of work.

I do hereby certify that I have received the amount entered in this bill, and that I have paid it away for the purposes specified; and that I have personally ascertained that all accounts connected with this work, are finally settled, and all work and material has been paid for in full, as per receipts attached; and to the best of my knowledge, the work has been properly executed, and the quantities entered are correct.

15. The Municipal Engineer will keep a book containing *bonâ fide* entries of all receipts and disbursements, the latter being supported by receipts for all sums, except money paid away direct to work people; a copy of the cash book signed by the Municipal Engineer and accompanied by the vouchers, should be sent to Municipal Committee every month for record.

Cash Book of Receipts and Disbursements.

16. In case of old stock being expended, the bill would show the actual cash expenditure, and a memorandum of stock expended with its estimated value at current rates.

Stock.

17. Stock accounts, where articles are not used when bought, should be kept, shewing exactly how all materials are expended and whence received; but these would only be liable to be produced if called for, as would all the records in the Engineer's Office, which are the property of the Committee.

Stock Accounts.

Work establishments to be under Engineer.

18. Every man employed on the works should be directly under the Engineer, and no orders should be given to the overseer employed under him, except through him.

Allotment for minor works and repairs.

19. There is a certain class of work, such as small repairs to roads and drains, or buildings, &c., which need not and cannot be estimated beforehand. For these, a lump sum might be allotted, *viz.*, the Rupees two hundred, cooly establishment and the expenses incurred, passed on bills similar to those already mentioned; specific entries for specific objects should always be insisted on. The Committee should have the power of comparing the cost of similar works, which can only be obtained in the above manner.

20. The Sub-Committee of accounts will audit and report on them once every three months.

CHAPTER III.

Rules for appointment, suspension, and removal of Officers and servants of the Committee, under Section 15 *of the Municipal Act.*

1. The appointment of Municipal Engineer will be made by the General Committee alone. If he belongs to the Department Public Works, his dismissal can only be ordered in communication with that Department; but the Committee have power to suspend him for misconduct for any period, and during such suspension he will be liable to be put on one-fourth salary. If he is not in the public service, the Committee can suspend or remove him as they think fit.

2. The Municipal Committee are empowered to investigate all cases in which the Municipal Engineer is concerned, and, after due enquiry, to determine what is "misconduct" under the above rule, and the Municipal Engineer will be bound to attend all enquiries ordered by the Committee.

3. The appointment, suspension, or removal of all other servants of the Committee, rests generally with that body; but Sub-Committees have also the power to dismiss any servant on a salary less than Rupees fifty per mensem, provided that he is allowed an appeal to the General Committee, and provided, if he is working under the Municipal Engineer, that Officer be consulted.

4. All servants alluded to in the previous Section are liable to fine, provided that any fine by a Sub-Committee can be appealed to the General Committee.

5. The Municipal Engineer will have power to punish by fine or dismissal any man employed under him, receiving not more than Rupees twenty a month.

6. The Municipal Engineer or any person employed by the Committee shall not have a personal pecuniary interest, directly or indirectly, in the construction of any building or performance of any engineering or other work, except with the special sanction of the Municipal Committee previously obtained, or in the manufacture, supply, or sale of building materials.

The following appointments of Post Office officials in the Punjab and Scinde, are notified for general information:—

Mr. E. T. Beauvois	... To be Chief Inspecting Post Master in Scinde, from 27th November 1858.
Mr. W. A. Hoghton	... To be Inspecting Post Master, 1st Class, in the Umritsur Division, from 8th April 1858.
Mr. W. B. Forder	... To be Inspecting Post Master, 2nd Class, in the Mooltan Division; and Superintendent of Mails, Rooree and Mooltan Line, from 30th August 1865.
Mr. J. Thaddeus	.. To be Inspecting Post Master, 3rd Class, in the Derajat Division, from 5th May 1862.
Mr. A. G. Faichnie	... To be Superintendent of Mails, Rawulpindee Division, from 1st April 1859.
Mr. S. Sullen	... To be Superintendent of Mails, Umballa Division, from 29th September 1864.
Mr. E. C. George	... To be Post Master, 1st Class, at Lahore, from 15th December 1863.
Mr. V. M. Cabrall	... To be Post Master, 2nd Class, at Kurrachee, from 23rd August 1857.
Mr. P. Sheridan	... To be Post Master, 2nd Class, at Peshawur, from 23rd February 1865.
Mr. E. Hodgkinson	To be Post Master, 2nd Class, at Umballa, from 3rd May 1865.
Mr. R. B. Anderson	... To be Post Master, 2nd Class, at Umritsur, from 8th September 1865.
Baboo Gobind C. Sein	. To be Post Master, 3rd Class, at Rawulpindee, from 1st June 1859.
Mr. Baptist	.. To be Post Master, 3rd Class, at Jullunder, from 22nd July 1865.
Mr. E. Smart	. . To be Post Master, 4th Class, at Hyderabad, from March 1864.
Mr. T. Higgins	... To be Post Master, 5th Class, at Simla, from 21st September 1857.
Shumboo Nauth	.. To be Post Master, 5th Class, at Dera Ismael Khan, from 1st November 1861.

Juggun Nauth	To be Post Master, 5th Class, at Meanmeer, from 20th March 1862.
Baboo Nobin C. Banerjee	To be Post Master, 5th Class, at Sealkote, from 28th March 1865.
Koondun Loll	To be Post Master, 5th Class, at Ferozepore, from 1st July 1864.

H. B. RIDDELL,
Director General of the Post Office of India.

SIMLA,
The 3rd October 1865.

ADVERTISEMENTS.

NOTICE.

AN Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rupees 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

BLANK Bill Forms of Public Service Transfer Receipts bearing Nos. 27383, 27384, and 27385, having been stolen from the Gondah Treasury, Officers in charge of Treasuries are warned to withhold payment of the same.

GONDAH TREASURY,
The 4th August 1865.

J. S. ROSS, *Major,*
Deputy Commissioner.

LOST OR STOLEN.

NOTICE is hereby given that the lower half of Currency Note No. $\frac{A}{26}$ 08885 of Allahabad Circle, for Rs. 20, having been lost or stolen, payment has been stopped and application made for the payment of its value.

E. M. WOODCOCK, *Lieut.,*
District Supdt., Oudh Police.

SEETAPORE, OUDH,
The 12th Sept. 1865.

NOTICE.

REQUIRED for the Akyab Treasury Department, a Head Clerk, salary Rs. 200 per mensem. None need apply who have not good testimonials both of their ability to fulfil the duties of the office, and general good character—these should accompany the application.

AKYAB;
DEPY COMMR.'S OFFICE,
The 15th September 1865

E. J. SPILSBURRY,
Depy. Commissioner.

NOTICE.

REQUIRED for the Akyab Deputy Commissioner's Office, a Revenue Head Clerk, salary 150 Rs. per mensem. Testimonials of the applicant's knowledge of the Revenue duties and general good character requisite, and acquaintance with the Burmese language, on the applicant's part, is also expected.

AKYAB,
The 15th September 1865

E. J. SPILSBURRY,
Depy. Commissioner.

WANTED

For the Office of the Surveyor General of India, Lithographic Branch, Calcutta.

1*st.*—An experienced Lithographer of superior training and acquirements, possessed of an intimate knowledge of the art, in all its branches, including Chromo and Photo-Lithography, with all the late appliances and improvements. He must also possess a theoretical knowledge of Surveying and Map Drawing, so as to be able to appreciate the wants of the Survey Department in regard to maps, as well as to superintend the labors of a large subordinate Establishment of Draftsmen and Printers with due efficiency. Salary Rupees 450 per mensem.

2*nd.*—A competent and well-trained Plain and Chromo-Lithographer and Master Printer, who, besides a perfect knowledge of his work, must be capable, in all respects, of affording the Superintendent efficient co-operation in leading details, as well as in supervising and teaching the Establishment. Salary Rupees 300 per mensem.

Applications to be addressed, post paid, to the undersigned, accompanied by testimonials, and, if possible, references as to qualifications and character.

SURVEYOR GENL.'S OFFICE,
CALCUTTA,
25, PARK STREET,
The 17th August 1865.

J. E. GASTRELL, *Lt.-Col.,*
Offg. Depy. Surveyor Genl. of India, in charge of Surveyor Genl.'s Office

LOST.

Left half of Currency Note $\frac{A}{13}$ 83914 of the Allahabad Circle, for Rs. 100. Application for payment has been made to the Deputy Commissioner of Paper Currency.

JOUNPORE,
8th September 1865.

H. A. HARRISON, C. S.

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company "Limited."

Registered under Act XIX. of 1857 and Act VII. of 1860 of the Legislative Council of India.

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, NO. 186, OLD CHINA BAZAR.

DIRECTORS:

PUNDIT SOW CHUNDER, of Delhi, Banker.

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demand, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care either by the Railway, or by Steamers, or otherwise as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the undermentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,

Managing Director and Secretary.

Printed and Published for the Government of India by J. L. KINGHAM, at the Government Press, Simla.

No. 27.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, OCTOBER 7, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

Lucknow and Cawnpore Line.

Proceedings of the Right Hon'ble the Governor General of India in Council, dated Simla, the 11th September 1865.

From Actg. Chief Engr., I. B. Railway Co., Oudh, to Chief Engr., P. W. Dept., Oudh,—No. 110, dated Lucknow, the 25th July 1865.

In answer to your letter requesting to be furnished with a report on the Lucknow and Cawnpore Line for the year ending 1st May last, I have the honor to send you the following information:—

1st.—Embankment—Finished.
2nd.—Cutting—Finished, except one.
3rd.—Bridges—Finished, except those over the Nagoah and Sye Rivers, which are at springing level of arches.

4th.—Culverts—Finished, except eleven of small size.

5th.—Ballast—Three-fourths collected and deposited alongside the line, ready for laying down.
6th.—Fencing—One-fourth executed.
7th.—Level crossings—Ditto ditto.
8th.—Stations—Most of the materials prepared.

The time of opening is entirely dependent on the arrival of the permanent way, rolling-stock, and telegraph. The latest advices from England state that these would all be shipped between July and September, in which case the line will probably be ready in twelve months from this date.

Railway Traffic Returns, Punjab.

Abstract of Comparative Returns of Traffic on the Punjab Railway, in continuation of Abstract published in Supplement to the Gazette of India, dated 11th February 1865.

Week ending	Receipts in 1865.	Receipts in 1864.
Length open 45 miles in 1864-1865.	Rs.	Rs.
1st January (1 day ending) ...	268	1,408
8th Ditto ...	2,912	3,023
15th Ditto ...	2,539	3,883
22nd Ditto ...	2,989	7,498
29th Ditto ...	3,092	4,293
5th February ...	3,231	3,921
12th Ditto ...	2,949	3,682
19th Ditto ...	3,437	5,300
26th Ditto ...	3,734	3,476
5th March ...	3,504	3,355
12th Ditto ...	4,176	3,654
19th Ditto ...	4,188	4,010
26th Ditto ...	3,780	3,984
2nd April ...	6,053	4,377
9th Ditto ...	3,953	4,667
16th Ditto ...	5,867	4,777
23rd Ditto ...	3,551	6,485
Total Receipts ...	60,223	71,793
Averages, Weekly ...	3,764	4,487
Averages, Weekly, per mile open...	84	100
Length open 253 miles in 1865, 45 miles in 1864.		
30th April ...	12,253	4,221
7th May ...	10,948	3,970
14th Ditto ...	7,867	4,322
21st Ditto ...	9,688	4,466
28th Ditto ...	8,382	4,548
4th June ...	12,748	5,767
11th Ditto ...	13,222	4,848
18th Ditto ...	14,881	3,852
25th Ditto ...	15,328	3,401
30th Ditto ...	14,682	2,118
Total Receipts ...	1,19,999	41,513
Averages, Weekly ...	12,000	4,151
Averages, Weekly, per mile open...	47	92
Grand Total Receipts ...	1,80,222	1,13,306
Averages, Weekly ...	6,932	4,358
Averages, Weekly, per mile open ..	55	97

Government of Fort St. George.

Cinchona Operations in the Neilgherries.

Report on the Number and Condition of Cinchona Plants on the Neilgherries on the 31st July 1865.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	Remarks.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark	2,05,805	2 6 to 8 9	The number of plants planted out during the month is 11,434, making the total permanently planted out in the plantations 2,05,678.
2	C. Calisaya ... Var Frutex ... „ Vera ...	Yellow Bark	2,958	2 10 to 7 0	The month has been very stormy from the 4th to the 13th, and the plants on the 2nd Denison plantation have suffered considerably from the winds, especially the eleven plants planted out by His Excellency the Governor on the 30th August 1862.
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark.	7,974	2 10 to 7 0	
4	Ditto Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	4,21,640	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark ...	3,139	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	64	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	8,500	1 8 to 2 10	The Assistant Superintendent in his anxiety to protect these plants from the storm placed mats around them, which, escaping from their ties and flapping against the plants, cut and barked the branches, producing far greater injury than if the plants had been unprotected; they have, nevertheless, made an average growth of 1¾ inches during the month, and they are now beginning to recover from the effects of the storm.
9	C. Micrantha ...	Grey Bark ...	14,917	1 8 to 2 9	
10	C. Peruviana ...	Finest Grey Bark...	3,389	1 8 to 2 10	
11	C. Pahudiana ...	Unknown ...	425	Unknown.	
		Total number of plants...	6,71,597		

TABLE II.

Memorandum of the growth of eleven plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 30th June 1865.	Height in inches on the 31st July 1865.	Growth in inches during July 1865.	By whom planted.
1	23	121	122¼	1¼	His Excellency Sir W. Denison.
2	16½	109	109¾	0¾	
3	19	111	112	1	
4	15	103½	104¼	0¾	
5	27	123	124¼	1¼	
6	20	98	99	1	
7	20	112½	113	0½	J. W. Brecks, Esq.
8	18	117	119	2	Dr. Sanderson.
9	20	117	119½	2½	J. D. Sim, Esq.
10	20	123	123¾	0¾	Lieutenant McLeod.
11	18	106½	108	1½	P. Grant, Esq.
12	...	64½	68¼	3¾	Plant cut down for bark.

None of the plants on the 1st Denison or Markham plantations suffered materially from the effects of this storm, thus establishing a great importance of aspect for Cinchona cultivation. Some thousands of plants of the C. Succirubra are now in full bloom, and present a very attractive appearance; also several plants of the C. Calisaya, C. Micrantha, C. Peruviana, C. Nitida, C. Officinalis, and its varieties, we may therefore shortly expect an abundant supply of seeds of all the most valuable species.

The increase by propagation is 51,422, being 26,545 plants above the average of the last six months, making the total at the end of the month 6,71,597.

Table II exhibits the growth of eleven plants of C. Succirubra planted out by His Excellency the Governor

TABLE III.

Showing the height of twelve Plants of C. Officinalis planted on the Dodabetta Plantation, at Ootacamund, on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 30th June 1865.	Height in inches on the 31st July 1865.	Growth in inches during July 1865.
1	19	84	88	4
2	14½	79	83½	4½
3	28	86	89	3
4	22	87	88½	1½
5	21½	85½	89	3½
6	28	97½	102	4½
7	22½	84	87	3
8	21½	81	84½	3½
9	21½	90½	94	3½
10	19½	84½	87	2½
11	24	89	93	4
12	24	87½	91	3½

and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is 1$\frac{1}{11}$ inches, being 2$\frac{4}{11}$ inches under the growth of last month.

One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr. Howard for analysis has made strong shoots of 68¼ inches in height, giving the growth of 3¾ inches during the month.

The twelve plants of C. Officinalis (a shrubby species) on the Dodabetta plantation, gives an average growth of 3$\frac{5}{12}$ inches, or ⅓ of an inch above the growth of last month.

The number of plants issued to the public during the month is 1,665, making the total number of plants distributed 80,898.

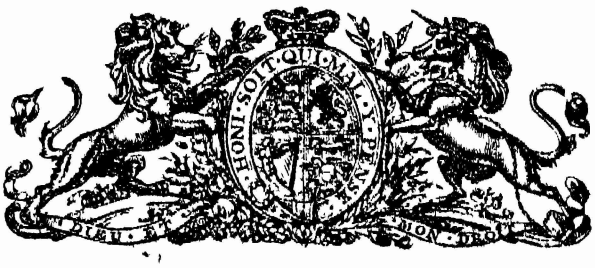
It is worthy of remark that during the heaviest storms, none of the older plants have been blown down, as they obtain great support from the dense mass of fibrous roots they produce.

OOTACAMUND,
12th August 1865.

(Signed) W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 41.



The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 14, 1865.

HOME DEPARTMENT.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th September 1865, and is hereby promulgated for general information :—

ACT No. XXVIII OF 1865.

An Act to provide for the more speedy liquidation of Insolvent Traders' Estates in Bombay.

WHEREAS it is expedient to provide for the more speedy liquidation of Insolvent Traders' Estates in Bombay : It is enacted as follows :—

Definition of Terms.

1. The following words and expressions in this Act shall have the meanings hereby assigned to them :—

"Trader."

The word "Trader" shall mean any person or partnership, not being a Joint Stock Company, carrying on trade or mercantile operations within the local limits of the Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay.

"The Court."

The expression "the Court" shall mean the High Court of Judicature at Bombay in its Ordinary Original Civil Jurisdiction.

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

When Traders' Estates may be wound up under this Act.

2. Whenever any trader shall be, or shall declare himself, unable to pay his debts, it shall be lawful to wind up the Estate of such trader by Trustees under the control of the Court.

Trader when to be deemed unable to pay his debts.

3. A trader shall be deemed to be unable to pay his debts—

1. Whenever a Creditor, to whom the trader is indebted in a sum exceeding Five Thousand Rupees then due, has duly served on the trader a demand in writing requiring the trader to pay the sum so due, and the trader has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the Creditor.

2. Whenever satisfaction of a judgment, decree, or order of any Court in favour of any Creditor in any suit or other legal proceeding cannot be obtained.

3. Whenever the trader has committed an act of insolvency within the meaning of an Act passed in the eleventh and twelfth year of the reign of Her Majesty Queen Victoria intituled *An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.*

Power for Creditors to resolve that Estate ought to be wound up.

4. At any meeting of Creditors held after a trader is, or has declared himself, unable to pay his debts, and whether such meeting shall have been convened at the instance of the trader or of one or more of his Creditors, provided that six days' notice of such meeting shall have been given by advertisement in two of the daily English Newspapers and in two of the Vernacular Newspapers published in Bombay, it shall be lawful for a majority in number and unsecured value of the Creditors present or represented at such meeting, to resolve that the Estate of such trader ought to be wound up under the management of Trustees, and that an application shall be made to the Court for the purpose; and upon such Resolution being adopted, the meeting shall proceed to nominate three or more Trustees for the liquidation of such Estate, and to fix the amount or rate of salary or remuneration to be paid to such Trustees, and the amount of security (if any) to be given by such Trustees.

Resolutions to be reported to the Court and advertized.

5. Every such meeting shall be presided over by a Chairman elected by the meeting, and such Chairman shall determine the right of persons present to vote upon the matters aforesaid, and shall report the Resolutions adopted by such meeting to the Court by filing a copy thereof under his own signature in the office of the Prothonotary of the Court within two days from the date of such Resolutions being passed, and shall

also cause such Resolutions to be advertized without delay in the *Government Gazette* and in two of the daily English Newspapers and two of the Vernacular Newspapers published in Bombay: and all necessary expenses incurred by or by the authority of the Chairman in carrying out the Resolutions of the meeting shall be payable by the Trustees out of the Estate.

Form of application in the Court.

6. Upon such Resolutions being so filed in Court as aforesaid, the Chairman or any Creditor nominated in that behalf by the meeting may apply to the Court for an order to wind up the estate on the terms of such Resolutions. Every such application shall be in the form of a petition and shall be verified by the Petitioner in like manner as Plaints are required to be verified by Act VIII. of 1859; and on hearing such Petition, if the Court shall be satisfied that the Resolutions were duly carried, and that their terms are reasonable and calculated to benefit the general body of the Creditors under the Estate, it shall confirm or modify the same as it shall deem fit, and shall make order accordingly, and in such order shall give such directions as to the management of the Estate and the advertisement of such order as it shall deem expedient; Provided always that the trader or any creditor may, within six days after the making of such order, apply to the Court to set aside the same either wholly or in part, giving to the Petitioner reasonable notice of such application.

Power for Court to confirm or modify Resolutions and give directions.

Order of Court to vest Trader's Estate on Trustees.

7. Upon the making of such order all the moveable and immoveable estate and effects of such trader and all debts due to him and all the future estate right title interest and trust of such Trader in or to any moveable or immoveable property which such trader may purchase or which may revert descend be devised or bequeathed or come to him, and all debts growing due to such trader in respect of transactions included in the liquidation, before the Court shall have made its final order in respect to the liquidation of his Estate, shall vest in the Trustees appointed by the Court, and all books papers deeds documents and writings in any way relating to such trader's estates and effects in his possession or under his custody or control, shall be forthwith deposited with such Trustees; and such order shall be entered of record in the said Court; and such notice thereof shall be published as the Court shall direct; and such order when so made shall by virtue of this Act relate back to and take effect from the filing of the said Resolutions in Court as aforesaid, and shall instantly and without any conveyance or assignment vest all the moveable and immoveable estate effects and debts as aforesaid of such Trader in the said Trustees.

Protection to Trader after vesting order.

8. After the date of such order all suits and legal proceedings of whatever kind in respect of such Trader's civil liabilities shall be stayed, and no execution attachment or other process against such Trader's property in respect of any debt, and no process against his person in respect of any debt, other than such process by writ or warrant as may be had against a debtor about to depart out of the jurisdiction of the Court, shall be available to any creditor or claimant without leave of the Court.

Power of Trustees.

9. The Trustees shall have power by virtue of this Act in their own name to do the following things :—

To bring or defend any action suit or prosecution or other legal proceeding Civil or Criminal on behalf of such trader; and on like behalf to claim prove and draw dividends under any bankruptcy insolvency or liquidation by Trustees under this Act.

To carry on the business of such trader so far as may be necessary for the beneficial liquidation of the same.

To sell the property, moveable or immoveable, effects and things in action of such trader by public auction or private contract, with power if they think fit to transfer the whole thereof to any person or Company, or to sell the same in parcels.

To execute on behalf of such trader all deeds receipts and other documents they may think necessary.

To refer disputes to arbitration and compromise any debts or claims.

To draw accept make and endorse any Hoondee, Bill of Exchange or Promissory Note on behalf of such Trader, and also to raise upon the security of the assets of such Trader's Estate from time to time any sum or sums of money, whenever the same shall be necessary for the purposes of this Act.

To do and execute all such other things as may be necessary for winding up the affairs and distributing the assets of such Trader.

To apply to the Court from time to time as occasion may require for its assistance in carrying out the powers conferred upon the Trustees by this Act; Provided always that such Trader or any Creditor shall be at liberty to apply to the Court to set aside or restrain any act done or about to be done by the said Trustees under this Act, and the Court shall make such order upon such application with respect to costs and otherwise as it shall deem fit; and provided also that nothing herein contained shall discharge the said Trustees or any of them from liability to account to the said Court for acts done by them in the liquidation of the Estate of the Trader under this Act.

Power to Trustees to examine Trader &c. on Oath.

10. The Trustees shall have power to summon before them and to examine upon Oath or otherwise such Trader and any of his Assistants Clerks or Servants whom the Trustees may deem capable of giving any information material to the full disclosure of the Trader's transactions books and affairs, or to the winding up of the same; and the provisions of the Acts in force for the time being for procuring the attendance of witnesses, and for the examination and punishment of witnesses in suits before Civil Courts, shall be of equal force and effect in respect of any person summoned to appear as a witness under the provisions of this Act.

Penalty on Trader fraudulently concealing effects or falsifying or destroying books, &c.

11. If in the course of their investigation it shall appear to the Trustees that such Trader has fraudulently with the intent to conceal the state of his affairs or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book

paper or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book paper or writing, or that such Trader has fraudulently with intent of diminishing the sum to be divided among his creditors or of giving an undue preference to any of the said Creditors discharged or concealed any debt due to or from the said Trader or made away with, charged mortgaged or concealed any part of his property of what kind soever, the Trustees shall forthwith report the same to the Court, which shall enquire into the same in like manner and with like powers as a Commissioner of the Court for the Relief of Insolvent Debtors in Bombay; and upon such offence being proved against such Trader to the satisfaction of the Court, it shall be lawful for the Court to adjudge that the offender shall be punished with rigorous or simple imprisonment, as the Court shall direct, for a term which may extend to two years, and by Warrant under the Seal of the Court to order the offender to be arrested and committed to prison and there to be detained accordingly.

Penalty on Trader fraudulently or dishonestly contracting debt.

12. If in the course of their investigation, it shall appear to the Trustees that such Trader has contracted any of his debts fraudulently or by means of breach of trust or by means of false pretences or without having any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any of his debts by any of his creditors, or if it shall appear that such Trader's whole debts so greatly exceeded his means of providing for the payment thereof during the time when the same were in the course of being contracted (reference being had to his actual and expected property) as to show gross misconduct in contracting the same, the Trustees shall forthwith report the same to the Court, which shall thereupon enquire into the same in like manner and with like powers as a Commissioner of the Court for the Relief of Insolvent Debtors in Bombay; and upon such offence being proved against such Trader to the satisfaction of the Court, it shall be lawful for the Court to adjudge that the offender be committed to and detained in the Gaol at Bombay, on the Debtors' side thereof, for such term not exceeding two years as the Court shall direct.

Executions upon certain decrees within three months of first order to be void.

13. If upon any decree voluntarily suffered by such Trader being insolvent to any person with intent to give such person a preference over other creditors of such Trader, any attachment or execution is issued against such Trader by virtue whereof the estate and the effects of such Trader or any of them are attached or taken in execution at any time within three months next before the filing of such order as herein mentioned, such attachment or execution shall be void in favour of the Trustees appointed by virtue of this Act as against the attaching or execution Creditor whether the same has been completely executed or not, and it shall be lawful for such Trustees to recover back from such Creditor the estate or effects of such Trader so attached or taken in execution or the proceeds thereof as the case may be: Provided always that such creditor shall, if the attachment or execution would have been valid but for this provision, be entitled to retain or levy as the case may be his costs of suit and of such attachment or execution.

Fraudulent Conveyances made by Trader within two months before first order to be void.

14. If any Trader whose estate shall be vested in Trustees under the provisions of this Act shall, when in insolvent circumstances, and within two months before the filing of such order as herein first mentioned, voluntarily convey assign transfer charge or make over any property moveable or immoveable, or any security for money bond bill note money goods or effects whatsoever to any person or upon any trust, every such conveyance assignment transfer charge or making over shall be deemed and is hereby declared to be fraudulent and void as against such Trustees.

Power of Court to entertain applications of Trader or any Creditor respecting Trader's Estate.

15. The Court shall have jurisdiction at any time during the liquidation of any Trader's Estate under this Act to entertain any application of the said Trader or of any person claiming to be a creditor, respecting the disclosure, distribution, inspection, conduct, management or liquidation of such Trader's estate or affairs, or any act or thing relating thereto, or generally for the decision of any dispute or question that may arise between the Trustees and such Trader or any creditor debtor or claimant.

Power of Court to remove and appoint Trustees.

16. The Court shall have power to remove any Trustees appointed under this Act, and to appoint others in their stead, and to fill up any vacancy occasioned by the death insolvency resignation or departure from India of any Trustee, or by any other sufficient cause; and the Court shall upon application to it in that behalf declare whether any act hereby required or authorized to be done by the Trustees may be done by all or one or more of such Trustees.

Power of Insolvent Court to order Insolvent Estates to be wound up under this Act.

17. It shall be lawful for the Court for the Relief of Insolvent Debtors at Bombay, upon application by or on behalf of a majority in number and unsecured value of the Creditors of any Insolvent Debtor who has filed his petition in that Court, to order that the Estate of such Insolvent shall be wound up by Trustees under the provisions of this Act, upon such terms as to costs and remuneration to the Official Assignee, and with such directions as shall appear to be necessary and just.

Liberty to Trustees under Deed of Assignment to apply that Estate may be wound up under this Act.

18. It shall be lawful in any case in which the Estate of any Trader has been vested in Trustees under a Deed of Assignment before the passing of this Act, for such Trustees to apply to the Court for liberty to wind up such Estate under the provisions of this Act.

Liberty to Trustees to allow maintenance to Trader.

19. In any case in which the Estate of a Trader shall be vested in Trustees under the provisions of this Act, it shall be lawful for the Trustees, with the sanction of the Court, to make to such Trader out of the funds in their hands a reasonable monthly allowance for maintenance.

Remuneration of Trustees.

20. There shall be paid to the Trustees such salary or remuneration by way of percentage or otherwise as the Court shall direct; and all costs charges and expenses properly incurred in winding up the Estate, including the remuneration of the Trustees and the maintenance of the Trader, shall be payable out of the assets of the Trader in priority to all other claims.

Trustees to file Accounts half-yearly.

21. During the liquidation of the Estate the Trustees shall file half-yearly accounts of the progress of such liquidation in the office of the Prothonotary of the Court; and as soon as the affairs of the Trader are fully liquidated and the Estate distributed, the Trustees shall make up an account showing the manner in which such liquidation has been effected and the property of the Trader disposed of, and such account, with the Vouchers thereof, shall be filed in Court. All accounts so filed shall be open at all reasonable times to the inspection of Creditors, and copies thereof shall be granted on payment of such fees as may from time to time be fixed by the Court.

Estate when to be deemed fully wound up.

22. The Trustees shall give notice of the filing of such final account with its vouchers by advertisement of even date in the *Government Gazette* and in two of the daily English Newspapers and in two of the Vernacular Newspapers published in Bombay; and if no order to the contrary shall be made by the Court within three months after the date of the publication of such advertisement, the said Estate shall be deemed to have been fully liquidated and wound up, and the Trustees shall thereupon be deemed to be fully released and discharged from all liability in respect of the said Estate and the liquidation thereof.

Trustees may grant Certificate to Trader for Order of Discharge.

23. After the filing of such final account as aforesaid and upon the said Trustees certifying to the Court under their hands that the said Trader has assigned conveyed or made over to them all his property effects and securities of every nature and kind whatsoever, and all books of account, accounts, vouchers, papers and documents relating to his Estate, and also that he has given all reasonable assistance to the Trustees in and towards realizing and winding up his Estate; it shall be lawful for the Court upon the application of such Trader, and upon such notice as it shall direct, to grant to such Trader an Order of Discharge; Provided always that if such Certificate as aforesaid shall have been refused to any Trader by the Trustees, such Trader may nevertheless apply to the Court for such Order of Discharge and the Court shall have power, upon such notice to the Trustees as it shall direct, to grant such Trader an Order of Discharge if it shall think fit.

Effect of Order of Discharge.

24. Such Order of Discharge shall operate to discharge the Trader and all property and effects acquired by him subsequent to the filing of the order herein first mentioned, from all debts claims or demands in respect of the transactions included in the account filed by the Trustees, and no suit shall thereafter be maintainable against the said Trader nor shall such after-acquired property and effects be liable to be attached or taken in execution, in or under the order of any Court in British India, in respect of such transactions.

Applications to be made to Judge in Chambers.

25. Any application directed by this Act to be made to the Court shall be made to a Judge in Chambers, who shall have power to make any order necessary to be made under this Act, or to refer such application to a full Court; and such Court or Judge is hereby empowered to make any order in respect of the premises which could be made by a Commissioner of the Court for the Relief of Insolvent Debtors under 11 and 12 Vic., Cap. XXI.

Limitation of Act.

26. The operation of this Act shall be limited to Estates in which the admitted liabilities are not less than five lakhs of Rupees.

Commencement of Act.

27. This Act shall come into operation on the first day of October 1865 and shall remain in force until the thirtieth day of September 1867. Provided that as to such Estates (if any) as shall on or before such day have been brought under the operation of this Act and of which the winding up under its provisions shall not have been completed, this Act shall remain in force until such Estates shall have been wound up as aforesaid.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India.
Home Dept. (Legislative).

The 4th October 1865.

THE following Bill and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations.

A Bill for the Management of the Post Office, for the Regulation of the Duties of Postage, and for the Punishment of Offences against the Post Office.

Repeal of Act No. XVII. of 1854.

1. ACT No. XVII. of 1854 is hereby repealed, except so far as it repeals the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation.

Exclusive privilege of carrying letters, vested in the Government of India.

2. Wheresoever, within British India, posts or postal communications are, or shall be established by the Government of India, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases; and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say—

(1.) Letters sent by a private friend in his way, journey or travel, so as such letters be delivered by

such friend to the person to whom they shall be directed, without hire, reward or other profit or advantage for receiving, carrying or delivering the same.

(2.) Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

(3.) Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward or other profit, or advantage for receiving, carrying or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

Persons expressly forbidden to collect, carry, or deliver letters.

3. Wheresoever, within British India, posts or postal communications are, or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say—

(1.) Common carriers of passengers or goods, and their drivers, servants or agents, except letters solely concerning goods in their carriages.

(2.) Owners and Commanders of ships, steamboats, or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents, except letters solely concerning goods on board.

Appointment of Officers.

4. For carrying on the service of the Post Office, it shall be lawful for the Governor General of India in Council to appoint or to authorize the appointment of such Officer or Officers, with such official styles or designations, and to invest them with and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may, from time to time, deem expedient.

Postage rates on letters.

5. Wheresoever posts or postal communications are, or shall be established by the Government of India, postage, if prepaid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by land, according to the following scale :—

On every letter not exceeding a quarter of a tolah in weight,—six pie.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight,—one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight,—two annas.

And for every half tolah in weight above one tolah, one additional anna; and every fraction of half a tolah above one tolah, shall be charged as one additional half tolah.

Every article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be an article on which a different rate of postage shall be chargeable under this Act.

Postage rates on newspapers, &c.

6. Wheresoever posts or postal communications are, or shall be established by the Government of India, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by land, shall be charged by weight according to the following scale :—

On every newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight,—one anna.

If the same shall exceed six, but shall not exceed twelve tolahs in weight,—two annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken one additional anna for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs, shall be charged as six additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

Newspapers, &c., how to be sent by post.

7. A newspaper, pamphlet, or other printed or engraved paper shall not be sent by the letter-post at the rates prescribed in the last preceding Section, unless the following conditions be observed, that is to say—

(1.) It shall be without a cover, or in a short cover open at both ends.

(2.) There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

(3.) There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

When to be charged with letter postage.

8. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter-post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof sheets.

9. Proof sheets marked as such, may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender; otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Inland banghy postage.

10. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :—

For Distances		If not exceeding in weight						
		20 Tolahs.	100 Tolahs.	200 Tolahs.	300 Tolahs.	400 Tolahs.	500 Tolahs.	600 Tolahs.
	Miles.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.
Not exceeding ...	100	0 2	0 4	0 8	0 12	1 0	1 4	1 8
Not exceeding ...	300	0 6	0 12	1 8	2 4	3 0	3 12	4 8
Not exceeding ...	600	0 12	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding ...	900	1 2	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding ...	1,200	1 8	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding	1,200	1 14	3 12	7 8	11 4	15 0	18 12	22 8

Provided that not more than one letter shall be enclosed in a banghy parcel, under a penalty not exceeding fifty Rupees. All articles not exceeding twelve tolahs in weight, sent through the Post Office, shall be conveyed by letter-post and be charged with letter postage, unless specially directed to be sent by banghy post.

Table of distances.

11. Banghy postage, when chargeable by distance under Section 10 of this Act, shall be calculated and charged according to a Table of Distances which shall be prepared by order of the Governor General of India in Council, on such principles as shall appear to him equitable and convenient, and may from time to time be corrected. And it shall be lawful for the Governor General of India in Council to declare that the distances from or to Post Offices not entered in the Table shall, for the purposes of this Act, be regarded as represented by the distances shewn in the Table, from or to the Post Offices nearest to them respectively. Each Post Master General shall prepare from the aforesaid Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices in India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made, and such list shall be affixed in some conspicuous place in such Post Office.

Where banghy parcels and letter mails are conveyed in the same carriage.

12. Whenever the Post Master General of any Presidency shall have notified in the official *Gazette* that the banghy post is conveyed with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post along any such line of road, any such letter, written communication, or newspaper enclosed in a parcel, shall forfeit for every such offence a sum not exceeding fifty Rupees, and postage shall be charged for every such letter, written communication or newspaper, as if sent separately by the letter-post.

Where there is no banghy post.

13. Where there is no banghy post established on any line of road, letters, parcels and other articles exceeding twelve tolahs and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section 5, and newspapers, pamphlets, and other printed or engraved papers, according to the scale in Section 6 of this Act, as the case may be; parcels and book packets shall be charged with banghy postage according to the scale in Section 10 or Section 15 of this Act, as the case may be, if it be certified in writing, on such parcel or book packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, or other article on which a higher rate of postage is chargeable under any Section of this Act.

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

Certificate.

14. If any such certificate be false, any such letter or other article contained in such certified parcel or book-packet shall be charged with postage according to the rate specified in Section 5 or Section 6 of this Act as if sent separately, and the sender shall be subject to the penalty hereinafter provided. Parcels exceeding forty tolahs and not exceeding six hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master, or Deputy Post Master to whom such parcels are brought for despatch, to forward them at such times and in such manner as may be convenient.

Parcels exceeding forty tolahs, to be forwarded at discretion of Post Master.

Ship postage on parcels.

15. On all parcels chargeable under Section 10 of this Act with banghy postage, according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of Her Majesty's Indian post by sea, according to the following scale, that is to say—

On every parcel not exceeding twenty tolahs, two annas.

On every parcel exceeding twenty tolahs, but not exceeding forty tolahs, four annas.

On every parcel exceeding forty tolahs, but not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas. Every fraction of one hundred tolahs above one hundred tolahs, shall be charged as one hundred additional tolahs; and if such parcel be conveyed by Her Majesty's Indian post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Books, pamphlets, &c.

16. Subject to such rules and conditions as the Governor General of India in Council may from time to time direct, books, packets of newspapers and of printed or engraved or manuscript papers other than newspapers, provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon, as hereinafter provided, shall, if sent by the banghy post, be charged with the following rates of postage, without reference to the distance to which they may be carried :—

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs, shall be charged as twenty additional tolahs.

If the postage chargeable on any such book, or other article, be not prepaid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in Section 10 of this Act.

Governor General in Council may direct prepayment of postage in all cases.

17. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters or other articles shall not be forwarded by post, unless the postage thereof shall be fully prepaid by means of a proper stamp or stamps; or that on all or any letters, or other articles on which the postage shall not be fully prepaid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Governor General of India in Council may alter the rates of postage.

18. It shall be lawful for the Governor General of India in Council from time to time to authorize the levy of postage at rates different from those prescribed in this Act, provided that no increase be made in any particular of the rates prescribed in Sections 5 and 6 of this Act.

Governor General may fix rates of steam postage;

19. It shall be lawful for the Governor General of India in Council from time to time to direct that postage duties, different from the rates authorized by this Act, shall be chargeable on letters, or other articles to be specified in such order, sent through the post from or to any part of Great Britain, or any British Colony, or any Foreign Country to or from any places in British India. The postage charged on any letter, or other article specified in any order of Council made under this Section, whether under the name of steam postage or any other denomination, shall, after the rates of such postage have been published in the official *Gazette* of any Presidency, be recovered in the same manner as postage under this Act.

may fix rates of postage for articles sent wholly or partly by sea.

20. It shall be lawful for the Governor General of India in Council to fix, from time to time, rates of postage to be levied on all letters or other articles transmitted by post, by sea or partly by sea and partly by land from one port or place in India to another: it shall not be necessary that such rates be uniform; but they may vary according to the conveyance or route by which such letters or other articles shall be sent.

Registered letters.

21. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article; and it shall be lawful for the Governor General of India in Council to direct that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

22. It shall be lawful for the Governor General of India in Council from time to time by order to declare in what cases registration shall be compulsory, and to direct that a double registration fee shall be levied on the delivery of any letter or other article which ought, under the order of the Governor General in Council, to have been registered at the time of posting, on which the registration fee shall not have been prepaid.

Expresses.

23. It shall be lawful for the Governor General of India in Council from time to time to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

Re-directed letters.

24. On every letter or other article which shall be re-directed at any Post Office, or forwarded by post from any place to which it shall have been conveyed by post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable if posted and prepaid by stamp at the place where it shall be re-directed.

Letters and other articles once put into the Post Office cannot be re-called.

25. No person having delivered into any Post Office any letter or other article, shall be entitled to re-call the same; but nothing in this Section shall prevent the re-delivery of any such letter or other article to the sender thereof, subject to such Rules and Regulations, if any, as the Governor General of India in Council may from time to time provide in that behalf.

Postage on unpaid letters, &c., to be paid by the receiver.

26. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or other article shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Secretary of State for India by any Post Master General, or by any Officer in charge of a Post Office by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or other article addressed to that person, not being superscribed as on Her Majesty's Service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery office may remit the postage.

Unclaimed letters, &c.

27. *Clause* 1.—A list of all letters and other articles posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such office; and all such letters and other articles which shall have remained three weeks unclaimed in any office, shall, if the sender's name and address are written on the cover, be returned to the posting office to be delivered to the sender free of all charge: all letters and other articles, of which the sender's name and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the office of the Post Master General of the Presidency.

To be opened, &c.

Clause 2.—The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters or other articles, and if the address of the sender can be discovered, shall enclose them in Dead Letter covers and return them to the sender. All letters and other articles, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the office of the Post Master General for one year, be destroyed.

Money, &c., found therein.

Clause 3.—All money found in any unclaimed letter, or other article, shall be paid into the public Treasury; and all other valuable property found as above, shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose; and the proceeds of the sale shall be paid into the public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Refused letters, &c.

28. Every letter or other article rejected unopened by the person to whom it is addressed, shall, if any postage is due thereon and if the sender's name and address are written on the cover, be returned to the posting office, in order that the postage due may be recovered from the sender; in all other cases, or when the sender's name and address are not on the cover, such letter or other article shall be forthwith sent to the office of the Post Master General of the Presidency, who shall open the letter or other article and take measures to recover the postage from the sender, or shall at his discretion destroy the letter or other article; and all money or other valuable property which such letter or other article may contain, shall be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

Commanders of inward-bound vessels carrying Mails—how to proceed.

29. When any vessel arrives by sea at any place within British India at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box and packet on board of such vessel which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office, or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter, mail bag, box or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel, who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand Rupees.

Penalty.

Detention of letters on board, prohibited.

30. Every person, being either the Commander of a vessel inward-bound, or any one on board such vessel, who shall, within British India, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty Rupees, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred Rupees.

Bounty money.

31. For every letter delivered by the Commander of any ship, in conformity with the directions of Section 29 of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Section 29 and the former part of this Section of this Act, shall extend

to any letter or mail bag, or box or packet conveyed by any mail ship or mail steamer recognized as such by the Governor General of India in Council.

Commanders of outward-bound vessels to receive mails on board.

32. The Commander of every vessel leaving any place in British India by sea, shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section, shall be punished with a fine not exceeding one thousand Rupees.

No dangerous substance to be sent by post.

33. No person shall knowingly post, or send, or tender, or deliver, in order to be sent by the post, any letter, parcel or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall be punished for every such offence, with a fine not exceeding two hundred Rupees.

Postage Stamps.

34. All letters and other articles having a stamp or stamps affixed thereto (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act), shall, provided the stamp or stamps shall not have been used before, be considered as prepaid.

How to be provided.

35. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

Postage Stamps to be under management of any Officer to be appointed.

36. Postage stamps, provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall from time to time direct: postage stamps shall be considered as stamps issued by Government for the purpose of Revenue, within the meaning of the Indian Penal Code; and all sums of money realized by the sale of such stamps, shall be carried in the public accounts to the credit of the Post Office.

Vendors of Postage Stamps to be appointed.

37. The Governor General of India in Council may from time to time make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and condition postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them; and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

Vendors to be bound by rules.

38. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be punished with a fine not exceeding two hundred Rupees, in addition to any other proceedings to which they may be liable.

Penalty of vendor refusing to supply stamps.

39. Any Government vendor of postage stamps who shall be convicted of refusing, or unnecessarily delaying without reasonable excuse to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be punished with a fine not exceeding one hundred Rupees.

Penalty of vendor selling stamps for higher price than the value denoted thereby.

40. Any Government vendor of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be punished on conviction with imprisonment of either description as defined in the Indian Penal Code, for any term not exceeding six months, or shall be liable to a fine not exceeding one hundred Rupees; and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Criminal Court, in the same manner as any penalty under this Act.

Franking abolished.

Letters on Her Majesty's Service, duly certified as such, how to be charged.

41. Letters and other articles on Her Majesty's Service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post, and the postage due thereon shall be charged to or recovered from the several Public Departments to or from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall from time to time direct.

Penalty for false certificate.

42. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify by writing on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver, for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section abovementioned, shall, for every such offence, be punished with a fine not exceeding five hundred Rupees.

Penalty for detaining Mails.

43. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet or mail bag or box in transit from one Post Office to another, and every person who shall be guilty of any of the abovementioned offences, shall be punished with a fine not exceeding five hundred Rupees.

Penalty for retaining letters, &c., delivered by mistake.

44. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or detain, or being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a mail bag, box or packet containing a letter or other article which shall have been sent by the post, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to a fine.

Penalties for breach of privilege.

45. *Clause* 1.—Every person who shall convey, otherwise than by the post, a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty Rupees.

Clause 2.—Every person who shall perform, otherwise than by the post, any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 3.—Every person who shall make a collection of letters for the purpose of transmitting them through the post in a "Clubbed" packet, and every person who shall knowingly tender or deliver a letter to be sent in a Clubbed packet, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 4.—Every person who shall send a letter not excepted from the said exclusive privilege, otherwise than by the post, or shall either tender or deliver a letter not so excepted, in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 5.—Every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 6.—Every person who shall carry, receive, tender or deliver a letter, or collect letters contrary to the provisions of Section 3 of this Act, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 7.—Every person who shall be in the practice of committing any of the acts mentioned in this Section, shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred Rupees.

Penalty for neglect on the part of persons employed to carry mails.

46. Every person employed to convey or deliver any mail bag, or box, or any letter or other article sent by post, who shall be guilty, while so employed, of drunkenness, carelessness or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, box, letter or other article; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter or other article, shall be liable to a fine not exceeding fifty Rupees; and any person employed to deliver a letter or other article sent by the post, who shall not duly deliver the same, shall, within a reasonable time not exceeding twenty-four hours, report the fact at the Post Office where he received such letter or other article and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty Rupees.

Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.

47. Whoever being in the employ of the Government in the Post Office Department, shall steal, fraudulently secrete, destroy, throw away or appropriate any letter or other article sent by post, or anything contained in any such letter or other article, or shall mutilate or break open any such letter or other article, or any bangly parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding seven years, and shall also be liable to a fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

48. Whoever being in such employ as last aforesaid, shall fraudulently put any wrong mark on any letter or other article, or shall fraudulently alter, remove or cause to disappear any mark or stamp which is on any letter or other article; or shall fraudulently use or place with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article; or being entrusted with the delivery of any letter or other article, shall knowingly demand or receive any sum of money for the postage thereof other than the sum duly chargeable for such postage; or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalty for incorrectly preparing documents, or secreting documents, by persons employed in the Post Office.

49. Whoever being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare the document incorrectly, or alter that document, or shall aid, abet, or conceal any of the abovenamed acts, or secrete or destroy that document, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters without charging postage, by persons employed as above.

50. Whoever being in such employ as last aforesaid, shall send by the post, or put into any mail bag or box, any unstamped letter or other article upon which postage has been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter or other article, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Any person charged with offence punishable with fine only may be summarily convicted.

51. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Criminal Court upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

52. No conviction, order or judgment of any Criminal Court, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them shall be returned with the conviction, order or judgment, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment, shall be aided by what so appears in such depositions.

Magistrate may refer charge to his Assistant.

53. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Fines—how levied.

54. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Criminal Court or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case: the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

Moiety of fines to informer.

55. A share, not exceeding one moiety of every fine imposed and recovered under this Act, may be awarded to the informer.

No proceedings to be taken without an order.

56. No proceedings shall be taken for the recovery of any fine imposed under the authority of this Act, for offences punishable by fine only, without an order of Government, or an order in writing under the hand of the Director General of the Post Office, or of a Post Master General.

Public servants committing offences in Foreign States in alliance.

57. If any public servant who shall be employed in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the Government of India or any local Government with the sale of postage stamps within the Dominions of any Foreign Prince or State in India in alliance with Her Majesty, in which a post shall be established by the Government of India, shall, within the Dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed or entrusted as aforesaid within British India, such public servant shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within British India; and every such person may be tried, convicted and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council, to take cognizance of offences committed in such Dominions by public servants, or by any Court or Magistrate, or other competent Officer in any part of British India, in the same manner as if the offence had been committed in such part.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

58. If any Officer in charge of a Post Office shall suspect that any letter or other article lying for delivery at his office, contains any contraband article, or any article on which duty is owing to Government; or that any letter or other article lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections 7, 10, 12, 13, 42 of this Act, it shall be lawful for such Officer to summon the person to whom the letter or other article is directed, to attend at the Post Office by himself or agent, within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter or other article in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter or other article shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior

proceedings, and that the opening of the same and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel through the Post Office by sea to any foreign port, or to any place not on the Continent of India, unless such parcel be accompanied by a Custom House Pass.

Government not responsible for loss.

59. The Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance; and no person employed by the Government in the Post Office Department, shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

Governor General in Council may frame Rules.

60. It shall be lawful for the Governor General of India in Council from time to time to frame Rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed and delivered.

District dawks.

61. It shall be lawful for the Governor General of India in Council from time to time to frame Rules for the management of all or any zemindaree, thannah, or other district dawks, and to declare from time to time what portions of this Act shall be applicable to such dawks, and to persons employed in connexion therewith.

Property sent by the post to be laid in the Post Master General.

62. Whenever an offence shall be committed in respect of any mail bag or box, or any letter or other article sent by the post, it shall be lawful to lay in the charge to be preferred against the offender, the property of such mail bag, box, letter or other article in the Post Master General of the Presidency; and it shall not be necessary in the charge to allege or to prove upon the trial or otherwise, that such mail bag, box, letter or other article was of any value; and in any charge to be preferred against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state that such offender was employed under the Post Office at the time of committing the offence, without stating further the nature or particulars of his employment.

References to Act XVII of 1854, to be read as made to this Act

63. References to any Section of Act No. XVII of 1854 made in any Act passed subsequent thereto, shall be read as if made to the corresponding Section of this Act.

Interpretation Clause.

64. In this Act—unless there be something repugnant in the subject or context—"Criminal Court" includes every Judge, Magistrate, Justice of the Peace, or Police Magistrate lawfully exercising jurisdiction in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed Packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Mails" shall include any letter, parcel or other article conveyed under the provisions of this Act, as well as any box, bag or other article, or any carriage, horse, messenger or other person employed or used by the Post Office for the conveyance or safe custody of the mails; and "British India" includes the Territories which are now or shall be vested in Her Majesty or Her Successors by the Statute 21 and 22 Vic., Cap. 106 *(An Act for the better Government of India)*.

Short title.

65. This Act may be cited as "The Indian Post Office Act, 1865."

STATEMENT OF OBJECTS AND REASONS.

Various amendments of the Post Office Act No. XVII. of 1854, having from time to time presented themselves as desirable, and the phraseology of the existing Act being in some respects obsolete, and several of the Penal Sections having become superfluous by the passing of Act XLV. of 1860 (The Indian Penal Code), it is considered expedient to repeal the existing law, and to enact a new one embodying all the alterations both of form and of substance which have become desirable. The principal amendments proposed will be found in Sections 5, 15, 18, 20 and 22 of the Bill.

Section 5 (corresponding with Section 6 of the present law) enacts the rates to be charged on letters, and it is proposed that postage should increase by one anna for each half tola or fraction thereof above one tola, instead of by two annas for every tola or fraction thereof above two tolas, as under the existing law.

Section 15 (corresponding with Section 17 of the present law) enacts the rates to be charged as "Ship Postage" on parcels conveyed by the Indian post by sea; the proposed alteration being that parcels not exceeding twenty and forty tolas, shall be taxed at the rate of two annas and four annas respectively, instead of at the rate of eight annas which is now leviable on all parcels which do not exceed one hundred tolas in weight.

Section 18 (corresponding with Section 25 of the present law) gives to the Governor General in Council authority to alter all rates of postage, but not so as to increase the rates of letter and newspaper postage.

The authority thus proposed to be given, differs from that possessed under the existing law, in the absence of restriction in respect of increase, so far as the rates of book and parcel postage are concerned.

Section 20 gives to the Governor General in Council authority (which is not possessed under the present law) to fix the rates of postage on letters, &c., conveyed by sea, or partly by sea and partly by land, within the limits of British India: these rates being, under existing arrangements, the same as the ordinary inland rates, together with steam postage (in a consolidated form) where the sea conveyance is effected by mail packets under contract or convention with Her Majesty's British Government.

Section 22 gives to the Governor General in Council authority (not possessed under the present law) to declare in what cases registration shall be compulsory, and to direct the levy of a double registration fee on delivery in such cases, in default of prepayment. The intention of this Section is to provide for the introduction in the Indian Post Office, of a measure similar to that introduced in 1862 in the British Post Office, the object of which was explained by Her Majesty's Post Master General to be "to put a stop to the "frequent loss of letters containing coin, forwarded "through the post without the security of regis-"tration, and to remove from the Officers of the "Post Office the temptation to dishonesty offered "by the passage of such letters."

Two years' experience has proved the utility of the regulation in respect of the British Post Office; and it is, therefore, considered desirable to provide in this Bill for the application of a like measure to the Indian Post Office.

W. GREY.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The 11th October 1865.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

WHEREAS, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of irrigation, as should not exceed the rates which should be defined by an Act of Parliament of the Indian Legislature, and should not in any case charge any higher rates whatsoever. And whereas it is expedient to fix the rates which the said Company may charge for the said purpose, it is enacted as follows :—

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

2. This Act shall come into force on the first day of January 1866.

STATEMENT OF OBJECTS AND REASONS.

A supply of water from the Madras Irrigation and Canal Company's works on the river Toombudra being now desired for the use of the Town of Kurnool in the Madras Presidency, it has become necessary to fix the rates which that Company is authorized to charge for water generally, that is, for water supplied for purposes other than irrigation.

These rates, under the 27th Clause of the Company's contract, can only "be defined and sanctioned by an Act of Parliament of the Indian Legislature." A Bill for the purpose has therefore been prepared and forwarded by the Government of Madras to the Supreme Government, with a request that it may be introduced into the Council for making Laws and Regulations of the Viceroy and Governor General.

The rate which the Government of Madras considers proper as a maximum, and which has been accepted by the Agent and Manager of the Madras Irrigation and Canal Company, on behalf of the Company, is one Rupee per four hundred cubic yards of water.

The Draft Bill is framed upon this principle.

G. N. TAYLOR.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

The 11th October 1865.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India, for the purpose of making Laws and Regulations :—

A Bill to amend Act No. II of 1865.

Preamble.

WHEREAS it is expedient to amend Act No. II of 1865 *(An Act to provide for the maintenance of the Rural Police in the territories under the Government of the Lieutenant Governor of the North-Western Provinces and elsewhere)*, it is enacted as follows :—

Power to the Collector to assess the proprietor where the latter has not made any or an insufficient assessment under Section 2 of Act No. II. of 1865.

1. If any proprietor of an estate, authorised by Section 2 of the said Act to make an assessment for the purposes of such Act, shall fail altogether to make such assessment, or shall assess under the said Section, a sum which the Collector of the District in which such estate is situate shall consider inadequate, it shall be lawful for such Collector to assess upon such estate for the purposes aforesaid, a sum payable yearly by the proprietor not exceeding the amount which might have been raised in each year under the said Section, minus 10 per cent. Such assessment shall be exclusive of the municipal cess or percentage mentioned in Section 6 of the said Act.

This Act to be construed with Act II of 1865.

2. This Act shall be read and taken as part of the said Act No. II of 1865.

Short title.

3. This Act shall be called "The Rural Police Act Amendment Act, 1866."

STATEMENT OF OBJECTS AND REASONS.

Act No. II of 1865, provides for the remuneration of the Village Police from two sources,—a "Municipal cess" collected over and above the Government Revenue, and an assessment rated upon the proprietor in reference to the number of houses upon his estate. For the latter, he is authorized to reimburse himself by levying a house tax under the Act. Both receipts on being collected by Government, are thrown into a common fund from which the Police charges are defrayed.

In case a proprietor should neglect to conclude an assessment on the houses on his estate, or should do so at an inadequate rate; or in case he should prefer to levy the Chowkeedaree dues under any other local custom which he may think it preferable to maintain, he is under the Act at liberty to do so. The imposition of the house tax is not obligatory on the proprietor; it is optional and discretionary, just as his assessment of rent on the fields of his estate is optional and discretionary with him.

But in case he neglects to make a proper assessment, he is not the less bound to contribute to Government the same sum as if he had made a full and proper assessment.

This, which was originally contemplated by the proposers of the measure, was omitted to be provided for in Act No. II of 1865, as finally passed, and the object of the present Bill is to supply the omission.

The Bill provides that in case a proprietor fails to assess and report a full assessment under Act No. II of 1865, he may nevertheless be called upon to pay the same amount which he would have been rated at, if he had made a full and proper assessment under the Act.

W. MUIR.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

No. 2684.

Simla, the 11th October 1865.

Notifications.—Mr. P. J. Paul assumed medical charge of the Station of Kyouk Phyoo, in the Arakan Division, British Burmah, on the forenoon of the 31st August last, from 3rd Class Native Doctor Meer Bahadoor Allee.

No. 2686.

Dr. J. H. Condon, Civil Assistant Surgeon, Gonda, and Superintendent of the Gonda Jail, assumed charge of his office on the forenoon of the 25th ultimo.

No. 2688.

The Right Reverend the Lord Bishop of Calcutta has granted one month's privilege leave to the Reverend J. E. Tandy, Chaplain of Lucknow Cantonment.

No. 2692.

Mr. H. W. Bowen, Assistant District Superintendent of Police, Oomrawuttee District in Hyderabad, returned to duty on the forenoon of the 30th of August.

No. 2698.

Dr. J. H. Condon, Superintendent of the Gonda Divisional Jail, is invested with the powers of a Magistrate to be exercised within the precincts of the Jail under his charge.

No. 2700.

Mr. R. F. Stack, Solicitor to Government, availed himself on the 29th ultimo, of the privilege leave granted to him on the 18th idem.

No. 2757.

The 12th October 1865.

Under the rules applicable to Military Officers in Civil employ, Lieutenant R. Stainforth, District Superintendent of Police, Durriabad in Oudh, has obtained three months' privilege leave from such date as he may avail himself of the same.

Mr. H. A. F. Smith, Officiating Assistant District Superintendent of Police, Fyzabad, will officiate for Lieutenant Stainforth, during his absence or until further orders.

No. 2759.

Lieutenant R. Stainforth, District Superintendent of Police, Durriabad, availed himself on the afternoon of the 26th ultimo, of the leave granted to him in Notification No. 2757 of this date.

No. 2761.

Mr. J. Garrett, Director of Public Instruction in Mysore, returned from privilege leave and resumed charge of his duties on the 20th September.

No. 2763.

Captain H. Lewis, Master Attendant, Rangoon, returned from privilege leave and resumed charge of his office on the forenoon of the 25th September.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 860.

POLITICAL.

Simla, the 12th October 1865.

Notification.—His Excellency the Viceroy and Governor General in Council is pleased to confer, as a personal distinction, the title of "Rajah Bahadoor" on Raj Krishna Sing, Zemindar of Soosung in the Mymensing District in Bengal.

No. 2011.

GENERAL.

The 10th October 1865.

Notification.—Surgeon A. V. Ward, Bombay Medical Establishment, is appointed temporarily to the medical charge of the Indore Residency, during the absence on leave of Assistant Surgeon T. Beaumont, M. D.

W. MUIR.

Secy. to the Govt. of India.

No. 2002.

GENERAL.

The 7th October 1865.

Notifications.—Captain C. J. Pearse, Officiating Deputy Superintendent of the Bangalore District, has obtained privilege leave of absence for two months from the 1st instant, or from the date he may avail himself of it.

No. 2004.

Captain T. Cadell, V. C., Deputy Bheel Agent and Political Assistant at Manpore, availed himself on the 7th ultimo, of the leave granted him in G. O. No. 1845, dated 11th September, making over charge of the current duties of his office to Lieutenant G. F. Blowers, Adjutant of the Malwa Bheel Corps, on the same date.

No. 2006.

With reference to the General Orders noted in the margin, Lieutenant A. H. Eckford, Assistant Commissioner of Sultanpore in Oudh, has obtained a further extension of leave to the 15th October 1865, under medical certificate.

No. 853, dated 12th April.
No. 1252, dated 10th June.

No. 2021.

The 10th October 1865.

Major H. M. Eliott, First Class Deputy Superintendent of the Shimoga District in Mysore, resumed charge of his office from Major J. J. Hamilton, on the 15th September 1865.

No. 2023.

Major J. Stubbs, Officiating First Assistant to the Resident at Hyderabad, returned to his duty on the afternoon of the 9th ultimo, from the privilege leave granted him in G. O. No. 1837, dated 9th September 1865.

No. 2025.

Captain E. Thompson, Deputy Commissioner and Settlement Officer of Seetapore, returned to his duty on the 24th ultimo, from the privilege leave granted him in G. O. No. 1538, dated 22nd July 1865.

No. 2038.

The 12th October 1865.

Mr. W. H. Kerr is re-appointed to the office of Superintendent of Coorg from the date of the expiration of the leave granted him in G. O. No. 582, dated 13th March 1865.

A. COLVIN,

Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2778.

Extract from the Proceedings of the Government of India in the Financial Department, Simla, under date the 6th October 1865.

READ a letter dated 29th August 1865, from Mr. M. H. Foster, Commissioner of Inquiry into Indian Accounts, containing his views regarding the formation of a Central Office of Account.

RESOLUTION.—The Governor General in Council observes that there is already a Central Office of Account, *viz.*, that of the Auditor General of India, but the work hitherto prescribed for it has to be modified and adapted now to the requirements of the new system of accounts.

2. From various causes it was deemed inexpedient, under the old system of accounts, to obtain from the Account Offices other than annual accounts of the actual receipts and charges of the several Presidencies and Provinces. The monthly and quarterly Statements of receipts and disbursements fulfilled but imperfectly the purpose of an account of actual receipts and charges.

3. Under the new system, however, the abolition of pre-audit, and the separation of Cash Accounts from Store Accounts in the Civil and Military Departments, and of the accounts of the Military and Public Works Departments from those of the Civil Department, have facilitated materially the submission henceforth of monthly accounts of audited receipts and charges by the several Offices of Account in the Civil, Military and Public Works Departments.

4. To utilise these monthly accounts at the earliest practicable period, they should be incorporated monthly in Imperial Books, which the Central Office will keep, for shewing the Revenues and charges of India, as well as of each Presidency and Province.

5. The procedure described in the 21st to the 33rd and 36th and 37th paras. of Mr. Foster's Memorandum, will be followed in the submission of accounts to the Central Office, and in the preparation there of the Imperial Books; and at the close of the year, the annual Finance and Revenue accounts for submission to Parliament, will be prepared from those books.

6. In order that the Imperial Books may be opened without delay, the Central Office of Account will accept from the Accountants General of the several Presidencies and Provinces, and from the Military and Public Works Departments, approximate balances for the 30th April 1865, which can be set right afterwards by corrective entries.

7. And in order that the monthly accounts of the local Accountants General may be rendered promptly to the Central Office of Account, the Governor General in Council requests that the several local Governments and Administrations will issue stringent orders for the punctual submission of the monthly Treasury accounts by Officers in charge of Treasuries.

8. If punctuality be ensured in this respect, "there is no reason," as observed by Mr. Foster, "why the monthly abstract accounts of the several "Presidencies and Provinces, should not be transmitted to the Central Office within four weeks "after the expiration of each month. The accounts "of such Treasuries as lie at a great distance from "Head Quarters, and are habitually late in their "arrival, should be treated as accounts of the subsequent month," except in the last month of the financial year. For the submission of the accounts for that month to the Central Office, a little longer time will be allowed.

9. Under these orders, the monthly and quarterly Statements of receipts and charges, which appertain to the old system of account, will be dropped as soon as they can be superseded by the monthly account of audited receipts and payments under the new system.

10. In connection with this revised procedure for a monthly in place of an annual consolidation of the accounts of receipts and charges of India, it is necessary to revise the several Establishments under the Officer who is Auditor General of India and Accountant General to the Government of India.

11. Henceforth, this Officer will be called Comptroller General of Accounts,—the Board of Audit, which has been in abeyance for some time, being hereby abolished.

12. The Comptroller General will deal, on his own authority, with all ordinary questions relating to Indian accounts, such as the classification of receipts and payments, the processes of recording them, the mode of closing subsidiary heads of account, and the like, his decisions on these points, when they establish a general rule, being simply communicated to the Financial Department.

13. But questions affecting any two of the three Departments, Civil, Military and Public Works, or affecting the degree of control by the Supreme and local Governments, respectively, of particular items of receipt or payment, should be referred to the Government of India in the Financial Department, for settlement, in communication, if necessary, with the Secretariats of the Departments concerned,—or if any points of this character, affecting one Department only, be settled in accordance with the report of the Comptroller General of Accounts, by an order of Government in the Department concerned, the report and decision should be communicated to the Financial Department.

14. The fundamental principles also of the new system, *viz.*, the separation of Cash from Store Accounts, except in the Public Works Department, —the prohibition, save in a few authorized exceptional cases, of inter-departmental adjustments,— the restriction of Treasury Accounts, as far as practicable, to mere elementary facts,—are not to be relaxed by the Comptroller General of Accounts without a reference to Government.

15. The Budget and Regular Estimates will be consolidated by the Comptroller General, but they will be reviewed as hitherto in the Financial Department.

16. In Provinces where the Budget Estimate is printed, a copy will be sent to the Financial Department and to the Comptroller General respectively, but where this desirable end has not yet been attained, and the Budget is still furnished in manuscript, one copy only will be submitted, *viz.*, to the Financial Department, which Department, after reviewing the Estimate, will forward it to the Comptroller General for incorporation in the Imperial Estimates.

17. The Comptroller General of Accounts will have charge of the following duties, *viz.* :—

1*st.*—The management of the Public Debt, until the transfer of the duty to the Bank of Bengal.

2*nd.*—The accounts of the Treasuries which are under Officers who are immediately under the Government of India.

3*rd.*—The Central Office of Account.

18. For these duties he will be allowed the aid of a Deputy Comptroller General, an Assistant Comptroller General, and a complement of other Officers on the classified list of the Account Department, with the requisite Office Establishment.

19. But as, in connection with the arrangements now ordered, the cost of the Financial Secretariat must be reduced, the additional charge for the Comptroller General's Department, beyond the cost of the offices now under him, which are noted in the margin, should be met from the abovementioned saving,—the new Department being organized by a redistribution of Officers rather than by any increase of expense.

Auditor General's Office.
Board of Audit
Office of the Accountant General, Government of India, for Treasury Accounts.
Audit of Postal and Telegraph charges.

ORDERED that a copy of this Resolution, and of paras. 21 to 40 of Mr. Foster's Memorandum regarding the Central Office of Account, be sent to the Foreign, Home, Military and Public Works Departments of the Government of India; the several local Governments and Administrations; the Comptroller General of Accounts; the several Accountants General, and to the Deputy Accountants General in independent charge. Also, that the Resolution, and paras. 21 to 40 of Mr. Foster's Memorandum, be published in the *Gazette of India.*

Extract, paras. 21 *to* 40, *from a Memorandum by Mr. M. H. Foster, on the measures to be adopted for establishing a Central Office of Account in India.*

21. Each Government and Administration will prepare and forward to the Comptroller General, a monthly Abstract of Receipts and Payments in the Form already laid down. This Abstract shows the Receipts,— 1st, under the Main Heads, such as "Land Revenue," "Customs," &c.; and

See Auditor General's Circular No. 8, dated 3rd August, Forms Nos. 18 and 19.

2nd, under Minor Heads, such as, as regards the latter, "Imports," "Exports," "Miscellaneous;" and Expenditure under,—1st, Main Heads, such as "Land Revenue;" 2nd, Minor Heads, such as "Collectors' Establishments;" and 3rd, Detailed Items, such as "Salaries," "Contingent Charges," &c.

22. The Main and Minor Heads will be sufficient for the records of the Central Books, so that the detailed items may be omitted from these Accounts, though they will be included in the Abstract, for the purpose of reference in case of need. Before these Abstracts are dealt with in the Central Office, it would be convenient to strike out the annas and pies from the totals that are to be posted, increasing by one Rupee such totals as have the greatest number of annas in as many cases as will be sufficient to compensate for an equivalent number of Rupees lost by the omission of annas and pies.

23. The Military and Public Works Departments will also furnish monthly Statements of their transactions in the form prescribed by Government. In these the Main Ledger Heads will be "Army" and "Public Works," and the Minor Heads will consist of the Grants and other Heads of Service or of Receipt.

24. The Ledger will open with three General Accounts, *viz.*, "Government Account," "General Revenue Account," and "Grant Account." Then will follow the several Revenue and Receipt Heads, then the Expenditure and Payment Heads, and finally the Personal and Balance Accounts.

25. It is needles to give all the Ledger entries in detail, but the following are the main entries, and will be sufficiet to show the principle upon which the Account is to be worked.

26. The Balance Account will show the total debit and credit, opening and closing balances which will appear on the several Heads of Account throughout the Ledger. The Grants will be debited to Government and credited to Grant Account; Revenues and other Receipts will be credited to the Heads of Receipt and debited to the Accountants receiving them. Sundry Services will be debited with the amount of payments, and the Accountants making them will be credited. The General Revenue Account will be credited with the amount of Revenue received, and the Heads of Revenue will be debited. The General Revenue Account, under which all the items of Revenue will be collected, will be debited, and Government will be credited with the total amount of Revenue.

27. On the other hand, the Heads of Expenditure will be credited with payments out of Grants, and the Grant Account will be debited with the amount of such expenditure. The balance on this account at the close of the year, will show either a saving on the Grants or an excess of Expenditure, and will be credited or debited to Government Account accordingly. The balance at the credit of the Government Account will represent the difference between assets and liabilities of Government, and will be carried to Balance Account. The balance on the Receipts Accounts will represent the sums at the credit of Funds, &c., and will be carried to Balance Account. The Balances of Funds and Debt Accounts will be carried to Balance Account, and the debit balances on the Accounts of sundry Accountants will represent the amount for which they are indebted to Government, and being carried to Balance Account, the Books will be closed.

28. Under this arrangement the Books will display the whole of the financial transactions of the Indian Empire, including the Grants, the Receipts, the Expenditure, the Savings on the Grants or the excess of Expenditure, and the Balances.

29. A Table is added, which will exemplify these operations more clearly than words can do. It must be remembered that the Ledger Headings are put in classes, and many detail Suspense and Adjustment Heads are omitted, as they will follow the ordinary course and not affect the principles laid down.

Appendix C.

30. There should be no "Profit and Loss Account." Profit should go to the proper Head of Revenue, and losses as charges against the Head of Service on account of which they have been incurred.

31. The entries will the carefully journalised monthly in a Journal, similar in shape to that now being introduced into the Bengal Account Office, with Debtor and Creditor columns on opposite sides. The Debtor and Creditor columns of the Journal should agree in amount at the close of each entry and thus check its correctness.

32. The Minor Heads will be thus dealt with and will be posted monthly into the Ledger, which will have a separate Heading for each Minor Head tabulated with inner columns for the separate Governments. This will not be difficult to arrange as regards space, if the annas and pies be rejected. These Minor Headings will be closed annually to the Major Heads for which an opening will be reserved at the commencement of each set of Minor Heads. The mode of closing the Major Heads has already been described.

33. A monthly Trial Balance Sheet should be prepared on a printed Form from the Ledger. The totals on the Debtor and Creditor side of this Sheet will correspond in amount with those on the Journal, in which the total should be carried on throughout the year. It need scarcely be stated that no entry should appear in the Ledger that does not also pass through the Journal, though supplementary details may be added to either, when found convenient, without interfering with the totals forming the actual entry.

34. Before the opening entries can be passed into the Books, it will be necessary to obtain from the several Governments and Administrations, and from the Military and Public Works Departments, a Statement of the closing balances on their Books at the end of the previous financial year, in order that the opening entries may be correctly made in the Central Books.

35. There will be considerable difficulty in obtaining an accurate Statement, owing to the state of arrear which pervades almost all the Indian Accounts. Every effort should be made to bring these up in the shortest possible time, and where correct balances cannot be obtained, rather than

delay the opening of the Books, it would be preferable to accept approximate balances, and as errors or discrepancies are discovered, to set them right by corrective entries.

36. When the Accounts have been brought into working order, a monthly Account should be prepared in the Form herewith annexed, showing in abstract the Balances and the Receipts and Payments throughout India brought together under the main heads, and giving in separate columns the transactions of the month, and the totals for the expired period of the year, the estimated amount for the 12 months being shown in the third column, so that an exact comparison can be made against the Estimates of the progressive revenue and expenditure. The twelfth monthly Account will show the total transactions of the year compared with the Budget Estimate. One copy of this Account should be submitted monthly to the Financial Department, and one copy to the Secretary of State. Specimen Forms of the Journal, Ledger, and Trial Balance Sheet are also attached.

Appendix D.

Appendices E, F, and G.

37. The Annual Finance Accounts would be an extension of this Account, and would show the same transactions in greater detail. The Form of this Account appended to the Commissioner's Civil Report, has been sanctioned by Government under Financial Resolution dated 20th April 1865; subject to some trifling modification set forth in the Resolution.

38. These appear to be the main points to be dealt with in laying down a scheme for the establishment of a set of Imperial Accounts which will combine the whole of financial transactions in India, those which are conducted in England being for the present excluded from the Indian Books.

39. That difficulties will arise in the practical application of a system so new to India, is fully to be expected, but if the general principles laid down be kept in view, there is no reason to suppose that these difficulties cannot be successfully overcome.

40. The most stringent rules should be adopted for securing the punctual submission of the monthly Treasury Accounts, as a failure in this respect must be one of the chief obstacles to the successfull working of any system of Account. When once the new system has been fairly established, there is no reason why the monthly Abstract Accounts of the several Governments should not be transmitted to the Central Office within four weeks after the expiration of each month. The Accounts of such Treasuries as lie at a great distance from Head Quarters and are habitually late in their arrival, should be treated as Accounts of the subsequent month, except, perhaps, those of the last month of the financial year, for the receipt of which a limited extra time may be accorded.

APPENDIX C.

Table of Ledger Entries.

Dr.	GOVERNMENT ACCOUNT.	Cr.
50,00,00,000	*To Balance Account* for Balance brought forward, being excess of liabilities over assets.	
42,80,00,000	*To Grant Account* for Grants.	
	By General Revenue Account for transfer of Revenue received	43,00,00,000
	By Grant Account for Savings on Grants	30,00,000
	By Balance Account for Balance	49,50,00,000
	GENERAL REVENUE ACCOUNT.	
	By Sundry Revenue Accounts for Revenue received	43,00,00,000
43,00,00,000	*To Government Account* for transfer of Revenue.	
	GRANTS ACCOUNT.	
	By Government Account for Amount of Grants	42,80,00,000
42,50,00,000	*To Sundry Service Accounts* for Expenditure.	
30,00,000	*To Government Account* for Savings on Grants.	
	SUNDRY REVENUE ACCOUNTS.	
	By Sundry Accountants General for Receipts	43,00,00,000
43,00,00,000	*To General Revenue Account* for transfer of Revenue.	
	SUNDRY EXPENDITURE ACCOUNTS.	
42,50,00,000	*To Sundry Accountants General* for Disbursements.	
	By Grant Account for Expenditure	42,50,00,000
	SUNDRY FUND AND DEBT ACCOUNTS.	
	By Balance Account for Sundry Credit Balances...	5,00,00,000
50,00,000	*To Balance Account* for Sundry Debit Balances.	
	By Sundry Accountants General for Receipts	20,00,00,000
19,50,00,000	*To Sundry Accountants General* for Payments.	
5,60,00,000	*To Balance Account* for Credit Balances.	
	By Balance Account for Debit Balances	60,00,000
	SUNDRY ACCOUNTANTS GENERAL.	
10,00,00,000	*To Balance Account* for Balances brought forward.	
63,00,00,000	*To Sundry Revenue and Fund Accounts* for Receipts.	
	By Sundry Service and Fund Accounts for Disbursements	62,00,00,000
	By Balance Account for Balances carried forward	11,00,00,000
	BALANCE ACCOUNT.	
	By Government Account for Balance brought forward	50,00,00,000
5,00,00,000	*To Sundry Fund and Debt Accounts* for Credit Balances on Funds brought forward	
	By Fund and Debt Accounts for Debit Balances brought forward ...	50,00.000
	By Sundry Accountants General for Balances brought forward	10,00,00,000
49,50,00,000	*To Government Account* for Balance remaining at Debit of Government carried forward.	
	By Sundry Fund and Debt Accounts for Balances at Credit of Funds carried forward	5,60,00,000
60,00,000	*To Sundry Fund and Debt Accounts* for Balances at Debit of Funds carried forward	
11,00,00,000	*To Sundry Accountants General* for Balances carried forward.	
4,28,80,00,000		4,28,80,00,000

No. 2915.

The 13th October 1865.

Notification.—Mr. J. C. Harrison, Assistant to the Deputy Commissioner of the Allahabad Circle of Issue of Paper Currency, has obtained three months' privilege leave.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 10th October 1865.

No. 920 *of* 1865.—Captain (Brevet Major) James George Hathorn, Royal Artillery, 2nd Class Commissary of Ordnance, Assistant to the Inspector General of Ordnance, is allowed leave of absence for twelve months, from the 2nd instant, to visit Darjeeling on medical certificate, under the new Regulations.

No. 921 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Major Robert Farquhar Webster, of the late 3rd European Regiment.	For twenty months, under the old Regulations.

No. 922 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Henry Edgcumbe Eliot, of the General List, Infantry.	For twelve months, under the new Regulations.

No. 923 *of* 1865.—G. O. No. 804 of the 21st August 1865, permitting Gunner Charles Caldwell, A. Battery, F. Brigade, Royal Horse Artillery, to reside and draw his pay in India as an out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home authorities as to the amount of his pension, is cancelled.

No. 924 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Charles James Durand, of the late 14th Regiment, Native Infantry.	For twenty months, under the new Regulations.

No. 925 *of* 1865.—The following appointments are made in the Army Commissariat Department:—

Sergeant and Acting Sub-Conductor Charles Simmons to be Sub-Conductor from the 23rd September 1865, *vice* Sub-Conductor George Blake, transferred to the Barrack Department.

Sergeant Samuel Jackson to act as Sub-Conductor from the 23rd September 1865, until further orders, *vice* Simmons, confirmed in that grade.

No. 926 *of* 1865.—The undermentioned Non-Commissioned Officer is admitted to pension as specified opposite to his name:—

Quarter Master Sergeant Joseph Walters, of the Erinpoorah Irregular Force.	2*s.* 3*d.* (two shillings and three pence) per diem, payable in India.

No. 927 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Captain (Brevet Major) George D'Aguilar, of the late 4th Regiment, Native Infantry, 2nd in Command and Wing Officer, 21st Regiment (Punjab), Native Infantry.	For twenty months, under the new Regulations.

No. 928 *of* 1865.—The Right Hon'ble the Governor General in Council is pleased to direct that General Orders by the Governor General, No. 185 of 1840 and No. 143, dated 3rd May 1844, be cancelled, and that hereafter passage money be passed to Officers proceeding to Europe who may be entitled thereto, on a copy of the authority permitting them to go, and a certificate by the Commander, Agent or owner of the vessel that the Officer has engaged a passage.

The 11th October 1865.

No. 929 *of* 1865.—The services of Lieutenant R. F. St. A. St. John, of Her Majesty's 3rd Battalion, 60th Royal Rifles, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department, with effect from the 12th September 1865.

No. 930 *of* 1865.—With reference to G. G. O. No. 900 of 1865, His Excellency the Governor General in Council is pleased to re-appoint Colonel H. F. Dunsford, C. B., Commandant, 28th (Punjab) Regiment, Native Infantry, to the Brigade Staff of the Army, temporarily, with the rank of Brigadier General from 1st proximo.

No. 931 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Major General J. Welchman, C. B., of the Bengal Infantry, to the Divisional Staff of the Army, in succession to Major General St. G. D. Showers, C. B., deceased.

No. 932 *of* 1865.—Ressaidar Mahmood Alli Shah, of the 10th Bengal Cavalry (Lancers), is at his own request, permitted to resign the service from the date of publication of this Order at the Head Quarters of the Corps.

The 12th October 1865.

No. 933 *of* 1865.—In partial modification of G. G. O. No. 847 of the 8th September 1865, the Right Hon'ble the Governor General in Council is pleased to sanction the appointment of Subalterns of Her Majesty's British and Indian Forces, who have only passed the First Standard in Hindoostani, but who are in other respects qualified, to the post of Second Doing-duty Officer in Regiments of Native Cavalry and Infantry, on probation, provided that there are not sufficient Officers available who have passed by the Second Standard or by the P. H. Examination.

Such Officers will not receive any staff pay until they pass in the Second Standard, but from date of so passing they will be entitled to the usual allowances. They will, however, from date of joining, if belonging to the Infantry, be allowed Rs. 30 per mensen for one horse when attached to Infantry, and Rs. 60 for two horses if attached to Cavalry.

Failing to pass by the Second Standard within one year from date of appointment, they will cease to be borne as Second Doing-duty Officers, and if belonging to the British Service, will rejoin their Regiments.

This Order in no way interferes with the other provisions of the G. G. O. No. 847 of 1865, by which no Officer of a British Corps can be appointed to a Native Regiment who is not a candidate for the Staff Corps, and by which certain qualifications are required prior to appointment on probation, as well as at the termination of the year allowed for probation.

This Order is applicable to the three Presidencies.

No. 934 *of* 1865.—With reference to G. G. O. No. 847 of the 8th September 1865, the Right Hon'ble the Governor General in Council is pleased to direct that, in special cases and as a temporary measure, where other employment is not available for them, Captains of the Staff Corps or Indian Forces (if duly qualified in the Native languages), may be nominated to the post of paid Doing-duty Officers with Regiments of Native Cavalry and Infantry.

This Order is applicable to the three Presidencies.

No. 935 *of* 1865.—The services of Lieutenant F. Firebrace, Royal Engineers, are placed at the disposal of the Public Works Department.

No. 936 *of* 1865.—Ressaidar Heera Singh, of the 2nd Regiment, Bengal Cavalry, is appointed Woordie Major of the Corps, with effect from the 1st May 1864, *vice* Shaik Ramzan Ally, invalided.

No. 937 *of* 1865.—Major O. Wilkinson, of the late 4th European Light Cavalry, Officiating Sub-Assistant Stud Department, is permitted at his own request, to resign his appointment in the Stud Department, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief.

The 13th October 1865.

No. 938 *of* 1865.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieutenant (Brevet Captain) W. E. R. Roberts, late 54th Regiment, Native Infantry. Lieutenant J. Johnstone, late 68th Regiment, Native Infantry. Lieutenant F. W. Macmullen, General List, Cavalry.	29th September 1865.

No. 939 *of* 1865.—The following order issued by the Government of Bombay, is confirmed :—

No. 484 *of* 1865, *dated the 15th September* 1865.—Granting leave of absence to Europe on medical certificate, to Lieutenant Henry Wilberforce Clarke, Royal (Bengal) Engineers, Assistant Engineer, 2nd Class, Department Public Works.	For twenty months, under the new Regulations.

No. 940 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Philip Henry Mascie Wynter, of the late 32nd Regiment, Native Infantry, Quarter Master 18th Regiment, Native Infantry.	For fifteen months, under the new Regulations.

No. 941 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following temporary appointments :—

Army Commissariat Department.—Lieutenant T. N. Walker, Wing Officer, 13th Regiment, Native Infantry. Lieutenant W. R. Bunbury, Doing-duty Officer, 2nd Regiment, Native Infanty.	To officiate as Sub-Assistant Commissaries General of the 2nd Class, until further orders.

No. 942 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

Lieutenant E. C. Codrington, Wing Officer, 5th Goorkha Regiment, to officiate as Staff Officer of the Force during the period Lieutenant Mackenzie may be employed on special service in Bhootan, or until further orders.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 353.

ESTABLISHMENT.

Simla, the 6th October 1865.

Notifications.—Sergeant William Ross, of the Artillery, is re-appointed to the Public Works Department as an Overseer of the 1st Grade, and posted to the Central Provinces.

No. 354.

Messrs. J. W. Fordham and W. Hoggan, Accountants, 2nd and 3rd Grades respectively, are transferred from the North-Western Provinces to the Rajpootana Office of Account, with effect from the 1st May 1865.

Mr. C. Ashton is appointed an Accountant, 4th Grade, on probation, and posted to the Rajpootana Office of Account, with effect from the same date.

No. 355.

The 10th October 1865.

The undermentioned passed Students of the Thomason Civil Engineering College, are appointed to the Engineer Establishment of the Public Works Department, in the grade of Engineer Apprentice, with effect from the 1st September 1865, and posted as follows :—

Mr. G. W. Dodsworth, } To the Punjab.
" W. H. Johnson. }
" F. Rose, } To the Central Provinces.
" H. L. Monk. }

No. 356.

The undermentioned persons are appointed to the Public Works Department, as Overseers of the 3rd Grade and posted to Hyderabad, with effect from the 22nd August 1865 :—

Wamon Anunt.

Gunnesh Wassoodeo.

No. 357.

The 11th October 1865.

Lieutenant E. L. Marryat, R. E., Assistant Engineer, 1st Grade, Public Works Department, Central Provinces, is permitted to resign his appointment in the Department, with effect from the date he may be relieved of his duties, and his services are replaced at the disposal of the Government of Bombay.

No. 358.

Sub-Conductor J. Morron, Supervisor, 1st Grade, is transferred from the North-Western Provinces to Rajpootana. This cancels that portion of Public Works Department Notification No. 342 of the 25th September 1865, transferring Sergeant W. Taylor to Rajpootana.

No. 359.

Mr. W. T. Maclean is appointed, as a temporary arrangement, to be an Accountant of the 3rd Grade, and posted to the Office of the Accountant General, Public Works Department, with effect from 19th September 1865.

No. 360.

The 12th October 1865.

Mr. E. Hyde, Executive Engineer, 4th Grade, is transferred from British Burmah to Bengal, with effect from the date he may be relieved of his duties.

No. 361.

Mr. J. T. Robinson, Accountant, 1st Grade, Bengal, temporarily attached to the Office of the Accountant General, Public Works Department, will have the temporary rank of Deputy Controller, while employed on special duty at Bombay.

No. 362.

Mr. D. A. Gantzer, Accountant, 1st Grade, Bengal, at present officiating as Deputy Controller in Hyderabad, is transferred in the latter capacity, to the Office of the Accountant General, Public Works Department, as a temporary arrangement, for special duty at Bombay.

No. 25F.

REVENUE—FORESTS.

The 10th October 1865.

Notification.—Mr. H. Leeds, Officiating Conservator of Forests, British Burmah, availed himself of the privilege leave granted him in Notification No. 22F., dated the 16th September 1865, on the 18th idem.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

Bye-Laws for the Cities of Fyzabad and Adjoodhia.

The following Rules for the conduct of business and execution of Act XVIII. of 1864, by the Municipal Committee within the city and suburbs of Fyzabad, are, with the approval of the Chief Commissioner, Oudh, published for general information, and are to be considered in force from the 15th September 1865 :—

Conduct of Business

Meetings of Committee.

I.—There will be one Meeting in every month, *viz.*, on the third Thursday, at 6 o'clock A. M. in summer, and 7 o'clock A. M. in winter.

Emergent or Special Meetings.

II.—The President, or, in his absence, the Vice-President, or, in the absence of both, the Secretary, may on any occasion arising, call an emergent Meeting by Circular or separate summons

upon not less than twelve hours' notice; but no business shall be transacted thereat other than that for which the Meeting may be called.

Postponement of regular Meeting.

III.—Should occasion arise to postpone the regular Meeting, due notice must be given; otherwise the Bye-laws must be the guide of each member.

Chairman in absence of the President.

IV.—In the absence of the President, the Vice-President shall take the chair; in the absence of both, the Meeting to elect their own chairman.

Number of Members to form a quorum.

V.—Five members shall constitute a quorum.

Chairman to have a casting vote.

VI.—The Chairman shall, in case of equal division, have a second or casting vote.

Regulation of business.

VII.—The President shall regulate the course of all business to be brought forward, and preserve order. No discussion on any points of order shall be allowed, unless the President shall think fit to take the opinion of the members present.

Submission of point of order to President.

VIII.—Any member present may submit a point of order to the President.

Mode of proposing or discussing any question.

IX.—In proposing or discussing any question, each member shall speak from his place, always addressing the President.

Members not to speak twice upon any motion.

X.—No member shall speak twice upon any motion or amendment, except the mover in reply.

Votes how to be taken.

XI.—Votes shall be taken by a show of hands, if the mover of any question demands a poll.

Proposition or amendment to be in writing.

XII.—Every proposal or amendment shall be in writing, but unless required by the President, the proposal or amendment need not be seconded.

Questions from members how to be put.

XIII.—All questions from one member to another, relating to the business of the Meeting, shall be put through the President.

Meetings of Committee open to public.

XIV.—The Meetings of the Municipal Committee are, as a rule, open to the public, but strangers can be requested to withdraw if necessary.

Communications to be sent in a day previous to Meeting.

XV.—All communications intended for the monthly Meeting, must reach the Secretary not later than noon of the day previous to any Meeting.

Correspondence to be referred to Sub-Committee concerned.

XVI.—All correspondence to be referred by the Secretary to the Sub-Committee to which it belongs, immediately on receipt, and their report to be made at next general Meeting through the Secretary.

Division of duties.

XVII.—The division of duties shall be as follows, and members of the Sub-Committees shall be named on the first May of each year, and a list containing the names of each Sub-Committee, will be hung up in the Committee's Office:—

1ST.—CORRESPONDENCE AND ACCOUNTS.

2ND.—SITES, BUILDINGS, REPAIRS.

3RD.—DRAINAGE, CONSERVANCY, POLICE AND ROAD.

4TH.—ESTIMATES.

XVIII.—The Sub-Committee will regulate and look after all works provided for in the Annual Budget.

Emergent work.

XIX.—In all cases of exigency, the Sub-Committee shall have authority to act without immediate reference to the general Committee, if the cost does not exceed Rs. 500, provided the work is one of urgent necessity; and the Secretary, if the exigency be great, may act alone to the extent of Rs. 100; but in other case, an emergent Meeting at twelve hours' notice, should be summoned.

Absolute sale of land.

XX.—Any person desirous of purchasing or renting ground belonging to the Committee, for building or other purposes, shall submit a written application with plans to the Secretary, describing the locality and extent of the ground required,—such application will be made over to the Sub-Committee concerned, for report. In case of sale, the ground shall be measured and marked off, an upset price fixed, and the lot be put up to public auction, after being advertized by Town Crier for fifteen days,—such sales will be held at the Office of the Secretary, who will furnish a printed copy of the general terms of the sale.

Tenants of land.

XXI.—In cases of applications for land in the town on lease, the Committee shall be at liberty to determine the maximum rent and to select their tenant. Lands in civil line are rented at four Rupees per acre, *vide* Secretary to Chief Commissioner's Circular letter No. 81-2929, dated 2nd October 1863.

XXII.—The Committee may reject any application for grounds on rent or sale, without assigning reasons to the applicant, or may impose as one of the conditions, that buildings, out-buildings, and surrounding walls or enclosures, shall be of a certain character or value, and be constructed within such time as may be fixed at the time of sale or lease, subject, in case of failure, to resumption of the ground.

Names of Streets.

XXIII.—The names of streets shall all be gradually put up, and any person found guilty of destroying or defacing such indicators, shall be subject to fine.

Sub-letting of a house without permission interdicted.

XXIV.—No tenant of a house, holding a permanent or temporary lease, shall be allowed to sub-let without permission of the Committee first obtained.

Members of Committe not to take contracts.

XXV.—No member of the Municipal Committee shall be allowed to take any contract, or have any pecuniary interest in any contract granted by the Committee or their Municipal Engineer.

Municipal Engineer.

XXVI.—The Municipal Engineer will be the referee of the Committee in all engineering questions, large and small, and be guided in the performance of his duties by such Rules as may be framed by the Committee.

NUISANCES.

Act XLV. of 1860, Penal Code. Act XXV. of 1861, Criminal Procedure Code. Act V. of 1861, Police Act.

XXVII.—In addition to the nuisances provided for by the Acts quoted in the margin, the following are now defined as local nuisances within the cantonment and city of Fyzabad and town of Adjoodhia, and prohibited under the authority vested in the Municipal Committee, under Section 15, Act XVIII. of 1864, and subject to the penalty declared therein :—

Excavations or Cutting Trees, &c.

1. Quarring kunkur and digging for bricks without permission, or cutting down trees or grass on public ground.

Neglected buildings or land.

2. Leaving lands or buildings so neglected as to afford shelter to thieves or disorderly persons, or otherwise becoming a nuisance.

Erecting walls, sheds, &c.

3. Erecting any temporary or permanent building, wall, shed, awning, chubootra or enclosure, without license.

High crops.

4. Growing high crops without permission, such as are likely to be prejudicial to the public health, or to affect the public safety by affording cover or shelter to thieves and other bad characters.

Picketting cattle or forming encampments.

5. Picketting animals, or collecting carts or forming encampments on any public ground, without permission.

Flying kites.

6. Flying paper kites, or engaging in any other games in such manner as to be a nuisance, or likely to endanger passengers on the public roads.

Filth deposits.

7. Collecting or depositing night soil and other filth in any place not specially set apart for that purpose.

Committee as Board of Health.

8. Disobeying any order of the Committee acting as a Board of Health, for the removal of vegetation and under-wood calculated to obstruct ventilation, or neglecting to keep in repair and properly clear, an enclosure or premises.

Neglecting premises or latrines.

9. Neglecting in any estate, compound, enclosure or premises, to keep in proper repair and properly clean, any privy or latrine.

Drains and cesspools.

10. Constructing drains or cesspools, or neglecting the same in such a manner as to affect the health of the public.

11. Using any place for purposes of nature, except the public latrines.

Begging.

12. Begging in the bazaars or other public streets or thoroughfares of the civil lines and cantonment, or otherwise causing annoyance to passers by—provision having been made for a Relief Fund, and a Blind and Leper Asylum.

Camels, elephants, or loaded carts.

13. Using driving roads during driving hours by camels and elephants or loaded carts, and using any portion of the road excepting the sides at other times.

Lights to carriages.

14. Driving carriages, buggies, dog-carts or other conveyances after dusk, without clear lights on both sides of the same.

Driving on proper side of road.

15. Driving otherwise than on the left hand side of the road, or passing any other conveyances otherwise than by leaving them to the left hand.

Stray cattle.

16. Letting loose, or allowing to stray or graze any cattle whatsoever, in any public place without permission.

Combustibles.

17. Storing more than five maunds of saltpetre, or one maund of gunpowder, or five maunds of fireworks.

Hay and bamboos.

18. Establishing depôts for hay and bamboos within city limits, except at such places and under such conditions as may be fixed by Sub-Committee of Conservancy.

Processions.

19. Forming up or moving of processions at night on any public road, without a written order from the Superintendent of Police.

Native musicians.

20. Failure, on the part of Native musicians in processions, whether by night or by day, to cease playing at the approach of any carriage or other conveyance to which horses may be harnessed.

Burying ground.

21. Burying on any ground once publicly declared by the Committee as closed, or using an unlicensed cemetery.

Throwing bodies into river, &c.

22. Disposing of any corpse in the river Gogra, or in any ravine or nullah leading to the river above the Dilkoosha Burning Ghât, as fixed by Sub-Committee, and in Adjoodhia above Ramghâut.

Carcasses of animals.

23. Neglecting the removal, within a reasonable time, to the place set apart for the burial, of the carcass of any animal which may die on the owner's or occupier's premises.

24. Destroying trees or plucking fruits or flowers in public garden.

25. Making a public thoroughfare of public gardens intended only for pleasure seekers.

CHAPTER II.

MUNICIPAL ENGINEER.

Engineer not to be a Member of the Committee.

1. He will not be a Member of the Committee, but will be required to be in attendance, when requisite, at their Meetings, to give his opinion on questions relating to his Department, and also of laying before the Committee any projects which require their sanction.

Custody of municipal property.

2. The Municipal Engineer and his subordinates will be considered the custodians of all municipal property, such as bridges, roads, drains, &c.; they will constantly keep themselves informed of their state, and bring to notice any repairs that may be from time to time required.

Establishment for.

3. He will have an Office Establishment perfectly distinct from the writer to the Municipal Committee, who will have nothing to do with the accounts or Municipal Engineer.

4. For this Office Establishment, one writer and one draftsman with a moonshee will suffice; the Establishment now proposed and subject to revision after one year, will consist of—

1. Municipal Committee Establishment, } As
2. Office Establishment, } below.

The former to include all darogahs, chowkeedars, &c., employed in general supervision, or in guarding general stores not chargeable to any particular work; and the latter, all writers employed in preparing general accounts, draftsman, personal chuprassees and other men who might be strictly included in the term, and who are not chargeable to any particular work. The principle must be enforced that, as far as possible, chowkeedars, moonshees and other men of the kind, when employed on one or two works, should be charged to those works—their pay being covered by the estimated cost of such works.

Certain Establishment to be charged to work.

Works not to commence without written permission.

5. This system is now followed in the Public Works Department, and answers well. No work should be commenced (except in urgent cases), otherwise than on a regular estimate signed by the Municipal Engineer, accompanied, where necessary, by proper drawings, and sanctioned in writing by the proper authority, according to the rules in force.

Monthly Progress Report of works.

6. A list of works in progress during each month, will be submitted at its close to the Municipal Committee, showing the authority (which should invariably be given in writing), and noting any works completed during the month. The Committee would thus be kept cognizant of all that is being done.

Examination of estimates.

7. The rates assumed should be examined and passed by the Executive Engineer, or any other professional Member of Committee; and the calculations of the abstract being checked in the Municipal Committee's Office, the estimates should then be laid before the Committee for orders.

Engineer responsible for working within estimates.

8. The Municipal Engineer will have formal sanction in writing for all expenses that he has to incur, and will be responsible for working within the estimate and amount sanctioned, or should he find he is unable to do so, for at once reporting the matter and obtaining sanction for the further outlay required, by means of a supplementary or revised estimate prepared on the same principle as the original one.

Committee to keep account of all sanctions and orders of cash payment.

9. All sanctions will be entered by Committee in a ledger, and grants of cash on the Municipal Engineer's monthly applications, will be made in reference thereto and entered on the other side. This will check the applications in a general way, and they should also be considered in a reference to the possibility and probability of expending the sum asked for, before the next application is due.

Funds for expenditure by Engineer to be placed in.

10. On sanctioning the application of Municipal Engineer for funds, the amount will be placed at his credit in the Deputy Commissioner's Treasury, and he will effect all payments above Rupees twenty in amount by check on his Treasury, in favor of parties actually entitled to receive the money.

11. No disbursements shall be made by Municipal Engineer through overseers or others.

Abstracts and Account Books of Engineer.

12. Figured abstracts, as kept in Public Works Department, will be kept by Municipal Engineer, shewing the expenditure on each subheading of estimate. These figured abstracts are for the purpose of preparing the accounts, and will not be ordinarily submitted to the Committee; but such abstracts, as well as such books, papers and documents of all sorts, as relate to the business and duties performed by the Municipal Engineer for the Committee, are to be the property of the Committee, and freely open to immediate inspection and liable to instant delivery, agreeably to orders by the Committee.

13. The Municipal Engineer will submit monthly bills for works done during the month. These bills will be passed on similar principle as the abstract of estimate, so as to allow comparison therewith; and after checking the rate, they will be compared by Committee with estimate, and if below estimate, the money will be paid; if above, satisfactory explanation will be demanded.

The Municipal Engineer will be responsible for the proper preparation of these bills, both in regard to quantities of work returned and the cost stated.

Completion Report of work.

I do hereby certify that I have received the amount entered in this bill, and that I have paid it away for the purposes specified; and that I have personally ascertained that all accounts connected with this work, are finally settled, and all work and material has been paid for in full, as per receipts attached; and to the best of my knowledge, the work has been properly executed, and the quantities entered are correct.

14. On the completion of any work, the Municipal Engineer will report concisely that the work has been properly and efficiently executed according to the estimate, or otherwise detailing the actual state of the case, and will attach to such Completion Report the certificate as per margin. The Committee will then have the work examined as thought necessary, the total cost of the work will be taken out from the bills, &c., and if satisfactory, the work will be formally passed, and until formal passing, the Municipal Engineer will remain responsible in every way for the work, both as regards quality, charges made, quantities returned, &c.

15. The Municipal Engineer will keep a book containing *bonâ fide* entries of all receipts and disbursements, the latter being supported by receipts for all sums, except money paid away direct to work people; a copy of the cash book signed by the Municipal Engineer and accompanied by the vouchers, should be sent to Municipal Committee every month for record.

Cash Book of Receipts and Disbursements.

16. In case of old stock being expended, the bill would show the actual cash expenditure, and a memorandum of stock expended with its estimated value at current rates.

Stock.

17. Stock accounts, where articles are not used when bought, should be kept, shewing exactly how all materials are expended and whence received; but these would only be liable to be produced if called for, as would all the records in the Engineer's Office, which are the property of the Committee.

Stock Accounts.

18. Every man employed on the works should be directly under the Engineer, and no orders should be given to the overseer employed under him, except through him.

Work establishments to be under Engineer.

19. There is a certain class of work, such as small repairs to roads and drains, or buildings, &c., which need not and cannot be estimated beforehand. For these, a lump sum might be allotted, *viz.*, the Rupees two hundred, cooly establishment and the expenses incurred, passed on bills similar to those already mentioned; specific entries for specific objects should always be insisted on. The Committee should have the power of comparing the cost of similar works, which can only be obtained in the above manner.

Allotment for minor works and repairs.

20. The Sub-Committee of accounts will audit and report on them once every three months.

CHAPTER III.

Rules for appointment, suspension, and removal of Officers and servants of the Committee, under Section 15 *of the Municipal Act.*

1. The appointment of Municipal Engineer will be made by the General Committee alone. If he belongs to the Department Public Works, his dismissal can only be ordered in communication with that Department; but the Committee have power to suspend him for misconduct for any period, and during such suspension he will be liable to be put on one-fourth salary. If he is not in the public service, the Committee can suspend or remove him as they think fit.

2. The Municipal Committee are empowered to investigate all cases in which the Municipal Engineer is concerned, and, after due enquiry, to determine what is "misconduct" under the above rule, and the Municipal Engineer will be bound to attend all enquiries ordered by the Committee.

3. The appointment, suspension, or removal of all other servants of the Committee, rests generally with that body; but Sub-Committees have also the power to dismiss any servant on a salary less than Rupees fifty per mensem, provided that he is allowed an appeal to the General Committee, and provided, if he is working under the Municipal Engineer, that Officer be consulted.

4. All servants alluded to in the previous Section are liable to fine, provided that any fine by a Sub-Committee can be appealed to the General Committee.

5. The Municipal Engineer will have power to punish by fine or dismissal any man employed under him, receiving not more than Rupees twenty a month.

6. The Municipal Engineer or any person employed by the Committee shall not have a personal pecuniary interest, directly or indirectly, in the construction of any building or performance of any engineering or other work, except with the special sanction of the Municipal Committee previously obtained, or in the manufacture, supply, or sale of building materials.

ADVERTISEMENTS.

LOST.

LEFT half of Currency Note $\frac{A}{26}$ 10471 of the Allahabad Circle, for Rs. 20, in transit by post between this and Benares, on the 30th August 1865.

JUGBUNDHOO CHATTOORJEE,
Head Clerk.

DEPY. COMMR.'S OFFICE,
OONAO,
The 5th October 1865.

NOTICE.

AN Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rupees 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

REQUIRED for the Akyab Treasury Department, a Head Clerk, salary Rs. 200 per mensem. None need apply who have not good testimonials both of their ability to fulfil the duties of the office, and general good character—these should accompany the application.

AKYAB;
DEPY. COMMR.'S OFFICE,
The 15th September 1865.

E. J. SPILSBURRY,
Depy. Commissioner.

NOTICE.

REQUIRED for the Akyab Deputy Commissioner's Office, a Revenue Head Clerk, salary 150 Rs. per mensem. Testimonials of the applicant's knowledge of the Revenue duties and general good character requisite, and acquaintance with the Burmese language, on the applicant's part, is also expected.

AKYAB,
The 15th September 1865.

E. J. SPILSBURRY,
Depy. Commissioner.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company "Limited."

Registered under Act XIX. of 1857 and Act VII. of 1860 of the Legislative Council of India.

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, NO. 186, OLD CHINA BAZAR.

DIRECTORS:

PUNDIT SOW CHUNDER, of Delhi, Banker.

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Nokor, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demand, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care either by the Railway, or by Steamers, or otherwise as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the undermentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,

Managing Director and Secretary.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 28.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, OCTOBER 14, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

Cutting down of trees by Officers of the Trigonometrical Survey.

From A. P. HOWELL, ESQ., Under Secy. to Govt. of India, Home Dept., to Secy. to Govt. of Bengal,—No. 539, dated the 17th January 1865.

I am directed to bring to the notice of the Lieutenant Governor the fifth article in the Editorial of the *Hindoo Patriot** of the 16th instant, and to request that, under the orders of His Honor, an enquiry may be made into the real facts regarding the cutting down of trees by Officers of the Trigonometrical Survey, and the result reported to this Department.

* Copy enclosed, to be returned.

From the Hon'ble A. EDEN, Secy. to Govt. of Bengal, to Under Secy. to Govt. of India, Home Dept.,—No. 692 T., dated H. M.'s Yacht *Rotas*, the 6th August 1865.

In continuation of letter from this Office, No. 4133, dated the 20th June last, I am directed to submit, for the information of His Excellency the Governor General in Council, copy of a letter No. 145, dated the 11th ultimo, and of its enclosures, from the Commissioner of Nuddea, furnishing a full report on the complaints made against Mr. Ryall, of the Trigonometrical Survey, for an oppressive exercise of his authority while conducting operation in the suburbs of Calcutta.

2. I am to say that the proceedings of Mr. Ryall and his subordinates seem to have been arbitrary and vexatious, and to have been characterised by want of tact and an indifference to private rights.

3. The Lieutenant Governor finds it difficult to understand that Colonel Walker should, as he professes to do in his letter No. $\frac{88}{105}$, dated 18th April last, to the Magistrate of the 24-Pergunnahs, copy enclosed, really suppose that Act VI of 1857 is in any way applicable to such cases.

4. His Honor does not recommend that the powers of the Survey Department, to enter upon lands and destroy property, should be legalized, as proposed by Mr. Dampier. The difficulty probably only occurs in thickly-populated towns, and might probably be obviated to a very considerable extent by the use of high points of observation, erected on the tops of houses under private arrangements with the owners. When the Officers of the Survey Department are impeded, they should apply to the Collector of the District, who will probably in most cases be able to adjust the difference between the Survey Officers and the parties opposing them.

From H. L. DAMPIER, ESQ., Commr. of the Nuddea Division, to Secy. to Govt. of Bengal, Fort William,—No. 145, dated Calcutta, the 11th July 1865.

As required by Government Order No. 3381, dated 11th May (the enclosures of which are herewith returned), I have the honor to forward copy of a very complete Report* by the Magistrate of the 24-Pergunnahs, on the complaints against Mr. Ryall, Assistant Surveyor of the Trigonometrical Survey Department. The Report of the Deputy Magistrate, Moulvee Dululooddeen Khan, who held a local enquiry, is annexed in original.

* No. 976, dated 7th July.

2. I concur generally in the conclusions arrived at, and the remarks made by the Magistrate.

3. In measuring the degree in which Mr. Ryall personally is to blame, it must be observed that, although entries into private closets, and the destruction of private property for the purposes of the Trigonometrical Survey, are not, as far as I can find, authorized by any law, such illegal acts appear to be part of the recognized system of the Department, in fact they are indispensable to the performance of the Surveyor's work; it will be seen that Mr. Ryall's action in the present instance is approved by the superior Officers of his Department. I suppose that the rule which they would lay down for the guidance of their subordinates, is to do all in their power to conciliate and obtain

the permission of proprietors, before entering on their premises; but where the Natives are obstinate and will not be reasonable, on no account to allow their objections to interfere with the very expensive and important work of the Survey. If there is an understanding in the Department that the subordinates are expected to act on these principles, Mr. Ryall can be blamed only for his failure to give notice to the proprietors, and to endeavour to obtain their permission before entering on their premises. It does not appear that any unnecessary damage was done.

4. I must, however, say that I do not believe that the most delicate and judicious management on the part of Mr. Ryall would have enabled him to clear his ray without opposition from a single occupant or owner. Property in the suburbs is valuable; and there are many who would rather litigate to the last extreme, than allow their private premises to be meddled with.

5. I therefore recommend, with the Magistrate, that the Surveyors of this Department be armed with legal authority to enter private premises, after due notice given, and to cut down such trees or other obstacles to the view as may be absolutely necessary for the purposes, paying such compensation as may be fixed (in case the parties do not agree) by the Collector or one of his subordinates.

6. For the damage done by Mr. Ryall's party to different proprietors in the suburbs, I recommend that the Survey Department be required to pay such compensation as may be assessed by the Collector.

From A. J. R. Bainbridge, Esq., Offg. Magistrate, 24-Pergunnahs, to Commr. of Nuddea Division,—No. 976, dated Alipore, the 7th July 1865.

In reply to Government letter No. 2880 of April 19th, and your forwarding Memorandum No. 177 A of 13th May, with subsequent takeeds, I have the honor to submit the following report.

2. The result of local enquiry and the tacit admission of Mr. Ryall and the authorities of his Department, make it certain that in the course of their Trigonometrical operation, the premises of individuals were entered on, without notice, by bands of khalasees, and trees cut down or branches lopped away in spite of the remonstrances of the owners or their servants.

3. I see no reason to doubt that all this was necessary for the proper carrying out of the triangulation ordered. But I would point out that there is at present no Act empowering the Officers of the Survey, even after notice given, to enter upon the premises of any man who withholds his consent to their so doing. Section 24 of Act VI of 1857 is obviously inapplicable, though it is relied upon both by Mr. Ryall and Colonel Walker as a perfect answer to all objections raised. That Section applies only to Surveys carried on after declaration made in the *Government Gazette*, and with a view to the acquisition of the lands surveyed. It will thus be seen that the Officers of Survey are left entirely to their own tact and the good will of the people, for the proper carrying out of their operations.

4. I regret that I must express my decided opinion that Mr. Ryall neither attempted to exercise the tact, nor gain the good will necessary under the circumstances. He appears to have entered both gardens and houses without giving the slightest notice to the occupants, and to have dealt with their property in a manner which, unexplained and unpermitted, was calculated to provoke the worst possible feeling. I consider further that the defence raised by him in the case of Baboo Hurro Chunder Ghose, *viz.*, that the Baboo's garden having a wall only on one side, and a mere ditch on the three others, could not be seen to be an enclosure, is disingenuous. Mr. Ryall nowhere denies that he knew it to be a private garden.

5. The fact of entry without permission gained or even asked, being thus perfectly substantiated, it only remains to ascertain the amount of damage actually done. The Deputy Magistrate, Moulvee Dululooddeen Khan, who made the second local investigation, estimated the compensation due at Rs. 1,105. I am, however, of opinion that this is greatly overstated; Baboo Hurro Chunder Ghose himself estimated his loss at the nominal sum of Rs. 100, stating at the same time, that he wished less for compensation than for the punishment of the trespassers. The details of the damage done are briefly as follows:—

1 large Bombay Mangoe Tree cut to the stump.
1 large branch of smaller Mangoe Tree lopped off.
1 large Bombay Mangoe Tree considerably lopped.
1 Guava Tree well lopped.
1 Pomilloe Tree ditto.
1 Asoke Tree cut to the stump.
1 Betel Nut Tree ditto.
1 Plum Tree ditto.

6. It appears from the correspondence in this case, that when the superior Survey Officers proceed to the spot to test the work done by Mr. Ryall and their other subordinates, it is usual for them to settle the compensation for all damage done, in communication with the parties suffering the same. It may be sufficient if, in the present instance, they award the compensation in proportion to the damage found by the Deputy Magistrate to have been committed, and not in accordance with the erroneous list furnished by Mr. Ryall. Funds being apparently provided for such uses in that Department, it would be better that no unnecessary deviation from the usual routine should be permitted now.

7. Lieutenant Thuillier, in para. 3 of his No. 44, to the address of Lieutenant Colonel Walker, states that before proceedings were commenced, he addressed the Collector of the 24-Pergunnahs on the subject. That application, copy of which is enclosed, made no mention of operations in the suburbs of Calcutta, and the Roobocaree addressed to the zemindars of the Pergunnahs named by him in consequence of that letter, merely requested them to aid in procuring supplies, coolies, and carriage, which was all that Lieutenant Thuillier asked for.

8. There had before this, it appears, been two criminal cases brought against the khalasees of Mr. Ryall and Mr. Ryall himself. In one of these, three khalasees were sentenced by Deputy Magistrate Abdool Luteef to three months' rigorous imprisonment, on the ground that they failed to prove that they had Mr. Ryall's orders for the trespass and mischief committed by them. This was a case of cutting down trees, and the order was upheld on appeal. It appeared in that case, that Mr. Ryall was not present in person. In the second case, in which Mr. Ryall was charged with invading the privacy of a man's house to fix a Flag Staff in his verandah, the case was struck off on default of the prosecutor. The prosecutor, in the former of these cases, has presented a petition

asking for compensation, which is filed with these papers. It might be sent to the Survey Department to settle the claim.

9. To prevent the recurrence of complaints of this description, it would be well if Government would lay down some rules for the Officers of Survey, to guide them in their dealings with the property of individuals, on which, for scientific purposes, it is necessary to enter. The perusal of all the papers in the case, leave a strong impression on my mind that when the European Surveyor has once pointed out the line of "ray" to be taken, the khalasees are left to themselves to clear it according to their own good pleasure; a closer supervision would ensure that no more damage is done than is absolutely necessary.

10. I enclose all the original documents in the case, requesting their return after perusal and ultimate orders.

From MOULVIE DULULOODDEEN, Deputy Magistrate, 24-Pergunnahs, to Magistrate of 24-Pergunnahs,—dated 14th June 1865.

With reference to your Memorandum No. 698 of the 18th ultimo, I have the honor to submit the following Report upon the explanation given by Mr. Ryall, of damage caused to Baboo Hurro Chunder Ghose's garden at Tollah.

2. The points raised in Mr. Ryall's explanation and required to be reported upon, are three,—*first*, what was the extent of damage caused to the garden? *secondly*, were the Baboo's men threatened with personal violence? *thirdly*, was Mr. Ryall justified in entering upon the garden and clearing the rays in the manner he did?

3. Mr. Ryall's statement as to the extent of damage caused is incorrect, because it is incomplete. From the enquiries made by me on the spot, the extent of injury sustained by the Baboo appeared to be as follows:—

Specification of damage.	*Value of damage.*	Rs.
1 large Bombay Mangoe Tree cut down to the stump	Calculated at ten years' produce, each year's produce being taken at Rs. 40 ...	400
1 smaller ditto, only one large branch cut down; but this branch being the stem, and severed at about three cubits from the ground, the tree will not bear fruit any more, so that virtually this tree was entirely destroyed	Ditto ditto ditto ...	400
1 large Bombay Mangoe Tree, only partially cut down. This tree would not, for some years, produce more than half of what it did before ...	Calculated at five years' produce, each year's produce being taken at Rs. 40 ...	200
1 Guava Tree ditto ditto	Ditto ditto, each year's produce being taken at Rs. 2	10
1 Pomilloe Tree ditto ditto	Ditto ditto ditto ...	10
1 Asoka Tree, cut down to the stump. This was a very valuable and rare flower tree, the value of which cannot be exactly represented in money...	... ...	50
1 Plum Tree, cut down to the stump; but this tree would grow up to its original size in three years; such trees being of very rapid growth ...	Calculated at three years' produce, each year's produce being taken at Rs. 5 ...	15
1 Betel Nut Tree, cut to the stump	Calculated at ten years' produce, each year's produce being taken at Rs. 2 ...	20
	Total Rs. ...	1,105

4. With regard to the second point, I beg to state that the enquiries made by me have fully convinced me that the Baboo's men were threatened with personal violence by the khalasees. When the latter were cutting down trees with axes, the *malees* remonstrated with them, on which the khalasees lifted the axes at them and threatened to strike them if they would dare to approach. My enquiries on this point were not confined to the residents of the garden only, but some of the respectable neighbours also told me the same story. Mr. Ryall, in his explanation, denies any threat being used by the khalasees, because no opposition, it is said, was offered by the Baboo's men. But it is highly improbable that while such valuable property was being wantonly destroyed by utter strangers, the men having the custody of the property should have remained quiet and offered no remonstrance or resistance whatever.

5. With regard to the third point, Mr. Ryall states in his explanation that the garden not being an enclosed one, he was justified, under the provisions of Section 34, Act VI. 1857, in entering upon it and clearing the trees, without giving any previous notice. In the first place, the Section and Act quoted by Mr. Ryall are not applicable to the present case. They refer only to lands taken up for public purposes under a declaration issued from Government, but no declaration was issued in connection with the garden in question. In the second place, the garden in question was enclosed on one side by a *pucka* wall, and on all other sides by a ditch, and this is the way in which all or at least most of the large and valuable gardens in the vicinity of Calcutta are enclosed. Under these circumstances, the manner in which the Baboo's garden was enclosed, was such as would bring it under the purview of Section 34, Act VI., 1857. Mr. Ryall was therefore wrong, even under the Section and Act erroneously quoted by him, in his justification.

6. It is not Mr. Ryall alone who cites Section 34 of Act VI. 1857, as justifying the Trigonometrical Survey officials in ray clearing; but Lieutenant Colonel Walker, Superintendent of Survey, also, in para. 2 of his letter No. $\frac{88}{198}$ of the 18th April 1865, appears to entertain the same mistaken notion. I think the Trigonometrical Survey officials ought to be disabused of this misconception, which seems to be general in their Department.

7. I have inspected the three stations selected by Mr. Ryall for the triangulation, and have satisfied myself that in order to make the stations mutually visible, it was necessary to clear away the trees; but it is a question whether Mr. Ryall was justified in selecting such stations as would necessitate the destruction of valuable property, without the consent of the owners thereof. I think he was not; because, however desirable it may be that every facility should be afforded for carrying out any scientific undertaking, no private property can be destroyed without the consent of its owner, unless justified by law. But there is no law authorizing the Great Trigonometrical Survey Officers to destroy any such property. Mr. Ryall might have acted in good faith; but in the eye of the law, his proceedings were totally illegal.

8. In order to prevent the dissatisfaction and annoyance now caused to the people, by the destruction of property in the direction of an intended line of Survey, either the present state of the law should be amended by moving the Legislature for an enactment, or the Survey Officers, in selecting their stations, should make a point to avoid such valuable trees and buildings, the owners of which cannot be got to consent to their being cleared away.

From LIEUTENANT COLONEL J. T. WALKER, R. E., Supdt., Great Trigonometrical Survey of India, to Magistrate of 24-Pergunnahs,—No. $\frac{88}{198}$, dated Calcutta, the 18th April 1865.

In reply to your No. 414, dated 23rd ultimo, I have the honor to enclose copies of a letter No. 44, dated 10th instant, from Lieutenant Thuillier, First Assistant, Great Trigonometrical Survey, under whose orders Mr. Ryall is employed; and a letter from Mr. Ryall, dated 28th ultimo, both on the subject of Baboo Hurro Chunder Ghose's complaints that his garden was entered and a number of trees felled, under the orders of an Officer of the Trigonometrical Survey.

2. In all Survey operations, whether of the most refined or most ordinary nature, it is essentially necessary that adjacent stations of the triangulation, on which the operations are based, shall be mutually visible, for no method has yet been discovered of measuring angles between objects which are invisible. In the suburbs of this city, a Surveyor has difficulty enough to select his stations, so as to avoid the numerous buildings that rise around him on every side; it is impossible for him to avoid both the buildings and the numerous trees which grow in every compound, and consequently the trees that happen to fall on the lines between the Trigonometrical Stations, must be cut down. This necessity is provided for in Section 34 of Act VI of 1857, which authorizes Officers employed on Survey duties to cut down and clear away any trees in the direction of an intended line.

3. The Officers of this Department have no particular pleasure in cutting down trees; on the contrary, they would much prefer to find an open view around them at each station, and be spared the labor of clearing their own lines, which is the most harassing and vexatious of duties. But a duty it is nevertheless, and so essential to the progress of the work that it can in no wise be evaded.

4. I am satisfied that Mr. Ryall has taken every precaution against cutting down any tree needlessly, and that he has shewn much greater courtesy and consideration than he has met with in the execution of his disagreeable duties. His progress during the past field season has been little more than a third of what it would have been, but for the persistent opposition which he has had to encounter.

From E. C. BAYLEY, ESQ., Secy. to Govt. of India, to Supt., Great Trigonometrical Survey of India,—No. 15, dated Simla, the 29th September 1865.

I am directed to transmit for your information the accompanying copy of a letter from the Government of Bengal, No. 692 T, dated the 6th ultimo, and of its enclosure, regarding the proceedings of Mr. Ryall in the suburbs of Calcutta.

2. The Governor General in Council, I am to inform you, considers the proceedings in this case, as found to be established by the Magistrate, to be very discreditable, and he regrets that they should not only not have received from you the censure they deserved, but that on the contrary you should have defended them,—and that, too, partly by reference to a law (Act VI of 1857) which has obviously no application whatever to the case.

3. The Governor General in Council sees in the circumstances of this case the necessity for desiring that you will at once prepare a Circular instructing your subordinates how to act in such cases for the future. Among other points they must be strictly prohibited from entering into any garden or compound without notice to the owner, and they should be directed, as a rule, to avoid including gardens or compounds between their stations, and where, as in the suburbs of a town, that may not be practicable, to seek the assistance of the Civil authority if their work is opposed, but on no account to permit recourse to threats or violence.

4. Your attention is also particularly directed to the concluding part of para. 9 of Mr. Bainbridge's Report dated the 7th July, regarding the impression left on his mind by a perusal of the papers in the case, that "when the European Surveyor has once pointed out the line of 'ray' to be taken, the Khalasees are left to themselves to clear it according to their own good pleasure." I am to observe that, however excusable such a mode of proceeding may be where operations are being carried on in an open country, it cannot for a moment be defended when the work of the Survey enters on a tract abounding in private houses and gardens; and that in such a position, the European Officer of the Survey should himself take measures to secure the assent of the owners before trees or any other obstacles are cleared away. If he fails, he should seek the assistance of the Collector; and eventually, should the owner be brought to terms, of an Officer of the Collector's Establishment, in view to a settlement of the amount of compensation to be given for any damage that may be done.

5. The suggestion made by the Government of Bengal that where Survey operations are carried on in thickly-populated towns, high points of observation might possibly be erected on the tops of houses under private arrangements with the owners, seems to the Governor General in Council to be very deserving of your consideration.

6. His Excellency in Council, I am to state, quite agrees in the opinion expressed by the Lieutenant Governor of Bengal as to the inexpediency of giving legal power to the Officers of the Survey to enter upon private property.

Government of Bombay.

Price of Grain.

Table of the Price of Grain during the great famine of Sumwut 1869, *A. D.* 1812-13 *and in subsequent years of scarcity, compared with the Price in A. D.* 1863-64 *and* 1864-65, *compiled from the Customs Records of the State of Rajcote.*

Names of Articles.	In Sumwut 1869, A. D. 1812-13.		In Sumwut 1881, A. D. 1824-25.		In Sumwut 1890, A. D. 1833-34.		In Sumwut 1895, A. D. 1838-39.		In Sumwut 1902, A. D. 1845-46.		In Sumwut 1920, A. D. 1863-64.		In Sumwut 1921, A. D. 1864-65.		Remarks.
	Seers.	Tolas.	Seers.	Tolas.	Seers.	Tolas.	Seers.	Tolas.	Seers.	Tolas.	Seers.	Tolas.	Seers.	Tolas.	
Wheat per Rupee ...	4	...	10	...	11	40	12	..	20	..	5	...	7	40	
Bajree	4	...	10	...	13	20	11	...	20	...	5	...	7	...	
Joowaree	8	...	13	...	23	...	13	...	28	...	10	...	8	...	
Gram	4	...	10	...	13	20	...	...	13	20	6	...	8	..	
Ghee	1	10	1	15	2	10	. 1	60	2	...	...	60	1	...	... 1 Seer. ... 1 Maund.
Oil	2	40	4	...	5	...	4	...	5	...	2	...	2	...	
Moong	...	...	6	...	16	...	11	...	13	20	5	...	6	60	
Urad	...	...	7	...	...	...	...	...	18	.	5	..	7	...	80 Tolas 40 Seers
Jagree	...	...	8	40	5	60	5	60	...	...	3	...	3	20	
Rice	...	...	...	...	9	...	...	...	11	...	4	40	4	40	

(Signed) S. C. LAW,
1st Assistant Political Agent,
In Charge, Kattywar.

RAJCOTE,
13th September 1865.

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The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 21, 1865.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 4th October 1865.

THE following Bill and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations.

A Bill for the Management of the Post Office, for the Regulation of the Duties of Postage, and for the Punishment of Offences against the Post Office.

Repeal of Act No. XVII. of 1854.

1. ACT No. XVII. of 1854 is hereby repealed, except so far as it repeals the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation.

Exclusive privilege of carrying letters, vested in the Government of India.

2. Wheresoever, within British India, posts or postal communications are, or shall be established by the Government of India, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases; and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say—

(1.) Letters sent by a private friend in his way, journey or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward or other profit or advantage for receiving, carrying or delivering the same.

(2.) Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

(3.) Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward or other profit, or advantage for receiving, carrying or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

Persons expressly forbidden to collect, carry, or deliver letters.

3. Wheresoever, within British India, posts or postal communications are, or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say:—

(1.) Common carriers of passengers or goods, and their drivers, servants or agents, except letters solely concerning goods in their carriages.

(2.) Owners and Commanders of ships, steamboats, or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents, except letters solely concerning goods on board.

Appointment of Officers.

4. For carrying on the service of the Post Office, it shall be lawful for the Governor General of India in Council to appoint or to authorize the appointment of such Officer or Officers, with such official styles or designations, and to invest them with and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may, from time to time, deem expedient.

Postage rates on letters.

5. Wheresoever posts or postal communications are, or shall be established by the Government of India, postage, if prepaid by a stamp or stamps, as hereinafter provided, shall be charged

by weight on letters transmitted by the letter post by land, according to the following scale :—

On every letter not exceeding a quarter of a tolah in weight,—six pie.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight,—one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight,—two annas.

And for every half tolah in weight above one tolah, one additional anna; and every fraction of half a tolah above one tolah, shall be charged as one additional half tolah.

Every article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be an article on which a different rate of postage shall be chargeable under this Act.

Postage rates on newspapers, &c.

6. Wheresoever posts or postal communications are, or shall be established by the Government of India, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by land, shall be charged by weight according to the following scale :—

On every newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight,—one anna.

If the same shall exceed six, but shall not exceed twelve tolahs in weight,—two annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken one additional anna for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs, shall be charged as six additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

Newspapers, &c., how to be sent by post.

7. A newspaper, pamphlet, or other printed or engraved paper shall not be sent by the letter-post at the rates prescribed in the last preceding Section, unless the following conditions be observed, that is to say—

(1.) It shall be without a cover, or in a short cover open at both ends.

(2.) There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

(3.) There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

When to be charged with letter postage.

8. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter-post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof sheets.

9. Proof sheets marked as such, may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender; otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Inland banghy postage.

10. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :—

For Distances		If not exceeding in weight						
		20 Tolahs.	100 Tolahs.	200 Tolahs.	300 Tolahs.	400 Tolahs.	500 Tolahs.	600 Tolahs.
	Miles.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.
Not exceeding ..	100	0 2	0 4	0 8	0 12	1 0	1 4	1 8
Not exceeding ...	300	0 6	0 12	1 8	2 4	3 0	3 12	4 8
Not exceeding ..	600	0 12	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding ...	900	1 2	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding	1,200	1 8	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding . ..	1,200	1 14	3 12	7 8	11 4	15 0	18 12	22 8

Provided that not more than one letter shall be enclosed in a banghy parcel, under a penalty not exceeding fifty Rupees. All articles not exceeding twelve tolahs in weight, sent through the Post Office, shall be conveyed by letter-post and be charged with letter postage, unless specially directed to be sent by banghy post.

Table of distances.

11. Banghy postage, when chargeable by distance under Section 10 of this Act, shall be calculated and charged according to a Table of Distances which shall be prepared by order of the Governor General of India in Council, on such principles as shall appear to him equitable and convenient, and may from time to time be corrected. And it shall be lawful for the Governor General of India in Council to declare that the distances from or to Post Offices not entered in the Table shall, for the purposes of this Act, be regarded as represented by the distances shewn in the Table, from or to the Post Offices nearest to them respectively. Each Post Master General shall prepare from the aforesaid Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices in India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made, and such list shall be affixed in some conspicuous place in such Post Office.

Where banghy parcels and letter mails are conveyed in the same carriage.

12. Whenever the Post Master General of any Presidency shall have notified in the official *Gazette* that the banghy post is conveyed with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post along any such line of road, any such letter, written communication, or newspaper enclosed in a parcel, shall forfeit for every such offence a sum not exceeding fifty Rupees, and postage shall be charged for every such letter, written communication or newspaper, as if sent separately by the letter-post.

Where there is no banghy post.

13. Where there is no banghy post established on any line of road, letters, parcels and other articles exceeding twelve tolahs and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section 5, and newspapers, pamphlets, and other printed or engraved papers, according to the scale in Section 6 of this Act, as the case may be; parcels and book packets shall be charged with banghy postage according to the scale in Section 10 or Section 15 of this Act, as the case may be, if it be certified in writing, on such parcel or book packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, or other article on which a higher rate of postage is chargeable under any Section of this Act.

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs

Certificate.

14. If any such certificate be false, any such letter or other article contained in such certified parcel or book-packet shall be charged with postage according to the rate specified in Section 5 or Section 6 of this Act as if sent separately, and the sender shall be subject to the penalty hereinafter provided. Parcels exceeding forty tolahs and not exceeding six hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master, or Deputy Post Master to whom such parcels are brought for despatch, to forward them at such times and in such manner as may be convenient.

Parcels exceeding forty tolahs, to be forwarded at discretion of Post Master.

Ship postage on parcels.

15. On all parcels chargeable under Section 10 of this Act with banghy postage, according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of Her Majesty's Indian post by sea, according to the following scale, that is to say—

On every parcel not exceeding twenty tolahs, two annas.

On every parcel exceeding twenty tolahs, but not exceeding forty tolahs, four annas.

On every parcel exceeding forty tolahs, but not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas. Every fraction of one hundred tolahs above one hundred tolahs, shall be charged as one hundred additional tolahs; and if such parcel be conveyed by Her Majesty's Indian post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Books, pamphlets, &c.

16. Subject to such rules and conditions as the Governor General of India in Council may from time to time direct, books, packets of newspapers and of printed or engraved or manuscript papers other than newspapers, provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon, as hereinafter provided, shall, if sent by the banghy post, be charged with the following rates of postage, without reference to the distance to which they may be carried :—

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs, shall be charged as twenty additional tolahs.

If the postage chargeable on any such book, or other article, be not prepaid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in Section 10 of this Act.

Governor General in Council may direct prepayment of postage in all cases.

17. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters or other articles shall not be forwarded by post, unless the postage thereof shall be fully prepaid by means of a proper stamp or stamps; or that on all or any letters, or other articles on which the postage shall not be fully prepaid by a stamp

or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Governor General of India in Council may alter the rates of postage.

18. It shall be lawful for the Governor General of India in Council from time to time to authorize the levy of postage at rates different from those prescribed in this Act, provided that no increase be made in any particular of the rates prescribed in Sections 5 and 6 of this Act.

Governor General may fix rates of steam postage;

19. It shall be lawful for the Governor General of India in Council from time to time to direct that postage duties, different from the rates authorized by this Act, shall be chargeable on letters, or other articles to be specified in such order, sent through the post from or to any part of Great Britain, or any British Colony, or any Foreign Country to or from any places in British India. The postage charged on any letter, or other article specified in any order of Council made under this Section, whether under the name of steam postage or any other denomination, shall, after the rates of such postage have been published in the official *Gazette* of any Presidency, be recovered in the same manner as postage under this Act.

may fix rates of postage for articles sent wholly or partly by sea.

20. It shall be lawful for the Governor General of India in Council to fix, from time to time, rates of postage to be levied on all letters or other articles transmitted by post, by sea or partly by sea and partly by land from one port or place in India to another: it shall not be necessary that such rates be uniform; but they may vary according to the conveyance or route by which such letters or other articles shall be sent.

Registered letters.

21. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article; and it shall be lawful for the Governor General of India in Council to direct that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

22. It shall be lawful for the Governor General of India in Council from time to time by order to declare in what cases registration shall be compulsory, and to direct that a double registration fee shall be levied on the delivery of any letter or other article which ought, under the order of the Governor General in Council, to have been registered at the time of posting, on which the registration fee shall not have been prepaid.

Expresses.

23. It shall be lawful for the Governor General of India in Council from time to time to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

Re-directed letters.

24. On every letter or other article which shall be re-directed at any Post Office, or forwarded by post from any place to which it shall have been conveyed by post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable if posted and prepaid by stamp at the place where it shall be re-directed.

Letters and other articles once put into the Post Office cannot be re-called.

25. No person having delivered into any Post Office any letter or other article, shall be entitled to re-call the same; but nothing in this Section shall prevent the re-delivery of any such letter or other article to the sender thereof, subject to such Rules and Regulations, if any, as the Governor General of India in Council may from time to time provide in that behalf.

Postage on unpaid letters, &c., to be paid by the receiver.

26. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or other article shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Secretary of State for India by any Post Master General, or by any Officer in charge of a Post Office by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or other article addressed to that person, not being superscribed as on Her Majesty's Service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery office may remit the postage.

Unclaimed letters, &c.

27. *Clause* 1.—A list of all letters and other articles posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such office; and all such letters and other articles which shall have remained three weeks unclaimed in any office, shall, if the sender's name and address are written on the cover, be returned to the posting office to be delivered to the sender free of all charge: all letters and other articles, of which the sender's name and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the office of the Post Master General of the Presidency.

To be opened, &c.

Clause 2.—The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters or other articles, and if the address of the sender can be discovered, shall enclose them in Dead Letter covers and return them to the sender. All letters and other articles, of which neither the person addressed

nor the sender can be found, shall, after they have remained unclaimed in the office of the Post Master General for one year, be destroyed.

Clause 3.—All money found in any unclaimed letter, or other article, shall be paid into the public Treasury; and all other valuable property found as above, shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose; and the proceeds of the sale shall be paid into the public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Money, &c., found therein.

28. Every letter or other article rejected unopened by the person to whom it is addressed, shall, if any postage is due thereon and if the sender's name and address are written on the cover, be returned to the posting office, in order that the postage due may be recovered from the sender; in all other cases, or when the sender's name and address are not on the cover, such letter or other article shall be forthwith sent to the office of the Post Master General of the Presidency, who shall open the letter or other article and take measures to recover the postage from the sender, or shall at his discretion destroy the letter or other article; and all money or other valuable property which such letter or other article may contain, shall be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

Refused letters, &c.

29. When any vessel arrives by sea at any place within British India at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box and packet on board of such vessel which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office, or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter, mail bag, box or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel, who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand Rupees.

Commanders of inward-bound vessels carrying Mails—how to proceed.

Penalty.

30. Every person, being either the Commander of a vessel inward-bound, or any one on board such vessel, who shall, within British India, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty Rupees, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred Rupees.

Detention of letters on board, prohibited.

31. For every letter delivered by the Commander of any ship, in conformity with the directions of Section 29 of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Section 29 and the former part of this Section of this Act, shall extend to any letter or mail bag, or box or packet conveyed by any mail ship or mail steamer recognized as such by the Governor General of India in Council.

Bounty money.

32. The Commander of every vessel leaving any place in British India by sea, shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section, shall be punished with a fine not exceeding one thousand Rupees.

Commanders of outward-bound vessels to receive mails on board.

33. No person shall knowingly post, or send, or tender, or deliver, in order to be sent by the post, any letter, parcel or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall be punished for every such offence, with a fine not exceeding two hundred Rupees.

No dangerous substance to be sent by post.

34. All letters and other articles having a stamp or stamps affixed thereto (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act), shall, provided the stamp or stamps shall not have been used before, be considered as prepaid.

Postage Stamps.

35. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

How to be provided.

36. Postage stamps, provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall from time to time direct: postage stamps shall be considered as stamps issued by Government for the purpose of Revenue, within the meaning of the Indian Penal Code; and all sums of money realized by the sale of such stamps, shall be carried in the public accounts to the credit of the Post Office.

Postage Stamps to be under management of any Officer to be appointed.

Vendors of Postage Stamps to be appointed.

37. The Governor General of India in Council may from time to time make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and condition postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them; and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

Vendors to be bound by rules.

38. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be punished with a fine not exceeding two hundred Rupees, in addition to any other proceedings to which they may be liable.

Penalty of vendor refusing to supply stamps.

39. Any Government vendor of postage stamps who shall be convicted of refusing, or unnecessarily delaying without reasonable excuse to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be punished with a fine not exceeding one hundred Rupees.

Penalty of vendor selling stamps for higher price than the value denoted thereby.

40. Any Government vendor of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be punished on conviction with imprisonment of either description as defined in the Indian Penal Code, for any term not exceeding six months, or shall be liable to a fine not exceeding one hundred Rupees; and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Criminal Court, in the same manner as any penalty under this Act.

Franking abolished.

Letters on Her Majesty's Service, duly certified as such, how to be charged.

41. Letters and other articles on Her Majesty's Service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post, and the postage due thereon shall be charged to or recovered from the several Public Departments to or from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall from time to time direct.

Penalty for false certificate.

42. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify by writing on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver, for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section abovementioned, shall, for every such offence, be punished with a fine not exceeding five hundred Rupees.

Penalty for detaining Mails.

43. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet or mail bag or box in transit from one Post Office to another, and every person who shall be guilty of any of the abovementioned offences, shall be punished with a fine not exceeding five hundred Rupees.

Penalty for retaining letters, &c., delivered by mistake.

44. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or detain, or being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a mail bag, box or packet containing a letter or other article which shall have been sent by the post, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to a fine.

Penalties for breach of privilege.

45. *Clause* 1.—Every person who shall convey, otherwise than by the post, a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty Rupees.

Clause 2.—Every person who shall perform, otherwise than by the post, any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 3.—Every person who shall make a collection of letters for the purpose of transmitting them through the post in a "Clubbed" packet, and every person who shall knowingly tender or deliver a letter to be sent in a Clubbed packet, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 4.—Every person who shall send a letter not excepted from the said exclusive privilege, otherwise than by the post, or shall either tender or deliver a letter not so excepted, in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 5.—Every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 6.—Every person who shall carry, receive, tender or deliver a letter, or collect letters contrary to the provisions of Section 3 of this Act, shall forfeit for every such letter a sum not exceeding fifty Rupees.

Clause 7.—Every person who shall be in the practice of committing any of the acts mentioned in this Section, shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred Rupees.

Penalty for neglect on the part of persons employed to carry mails.

46. Every person employed to convey or deliver any mail bag, or box, or any letter or other article sent by post, who shall be guilty, while so employed, of drunkenness, carelessness or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, box, letter or other article; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter or other article, shall be liable to a fine not exceeding fifty Rupees; and any person employed to deliver a letter or other article sent by the post, who shall not duly deliver the same, shall, within a reasonable time not exceeding twenty-four hours, report the fact at the Post Office where he received such letter or other article and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty Rupees.

Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.

47. Whoever being in the employ of the Government in the Post Office Department, shall steal, fraudulently secrete, destroy, throw away or appropriate any letter or other article sent by post, or anything contained in any such letter or other article, or shall mutilate or break open any such letter or other article, or any banghy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding seven years, and shall also be liable to a fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

48. Whoever being in such employ as last aforesaid, shall fraudulently put any wrong mark on any letter or other article, or shall fraudulently alter, remove or cause to disappear any mark or stamp which is on any letter or other article; or shall fraudulently use or place with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article; or being entrusted with the delivery of any letter or other article, shall knowingly demand or receive any sum of money for the postage thereof other than the sum duly chargeable for such postage; or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalty for incorrectly preparing documents, or secreting documents, by persons employed in the Post Office.

49. Whoever being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare the document incorrectly, or alter that document, or shall aid, abet, or conceal any of the abovenamed acts, or secrete or destroy that document, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters without charging postage, by persons employed as above.

50. Whoever being in such employ as last aforesaid, shall send by the post, or put into any mail bag or box, any unstamped letter or other article upon which postage has been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter or other article, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Any person charged with offence punishable with fine only may be summarily convicted.

51. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Criminal Court upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

52. No conviction, order or judgment of any Criminal Court, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them shall be returned with the conviction, order or judgment, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment, shall be aided by what so appears in such depositions.

Magistrate may refer charge to his Assistant.

53. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Fines—how levied.

54. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Criminal Court or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or

otherwise. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case: the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

55. A share, not exceeding one moiety of every fine imposed and recovered under this Act, may be awarded to the informer.

Moiety of fines to informer.

56. No proceedings shall be taken for the recovery of any fine imposed under the authority of this Act, for offences punishable by fine only, without an order of Government, or an order in writing under the hand of the Director General of the Post Office, or of a Post Master General.

No proceedings to be taken without an order.

57. If any public servant who shall be employed in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the Government of India or any local Government with the sale of postage stamps within the Dominions of any Foreign Prince or State in India in alliance with Her Majesty, in which a post shall be established by the Government of India, shall, within the Dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed or entrusted as aforesaid within British India, such public servant shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within British India; and every such person may be tried, convicted and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council, to take cognizance of offences committed in such Dominions by public servants, or by any Court or Magistrate, or other competent Officer in any part of British India, in the same manner as if the offence had been committed in such part.

Public servants committing offences in Foreign States in alliance.

58. If any Officer in charge of a Post Office shall suspect that any letter or other article lying for delivery at his office, contains any contraband article, or any article on which duty is owing to Government; or that any letter or other article lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections 7, 10, 12, 13, 42 of this Act, it shall be lawful for such Officer to summon the person to whom the letter or other article is directed, to attend at the Post Office by himself or agent, within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter or other article in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter or other article shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel through the Post Office by sea to any foreign port, or to any place not on the Continent of India, unless such parcel be accompanied by a Custom House Pass.

Letters, &c, suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

59. The Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance; and no person employed by the Government in the Post Office Department, shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

Government not responsible for loss.

60. It shall be lawful for the Governor General of India in Council from time to time to frame Rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed and delivered.

Governor General in Council may frame Rules.

61. It shall be lawful for the Governor General of India in Council from time to time to frame Rules for the management of all or any zemindaree, thannah, or other district dawks, and to declare from time to time what portions of this Act shall be applicable to such dawks, and to persons employed in connexion therewith.

District dawks.

62. Whenever an offence shall be committed in respect of any mail bag or box, or any letter or other article sent by the post, it shall be lawful to lay in the charge to be preferred against the offender, the property of such mail bag, box, letter or other article in the Post Master General of the Presidency; and it shall not be necessary in the charge to allege or to prove upon the trial or otherwise, that such mail bag, box, letter or other article was of any value; and in any charge to be preferred against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state that such offender was employed

Property sent by the post to be laid in the Post Master General.

under the Post Office at the time of committing the offence, without stating further the nature or particulars of his employment.

References to Act XVII. of 1854, to be read as made to this Act.

63. References to any Section of Act No. XVII. of 1854 made in any Act passed subsequent thereto shall be read as if made to the corresponding Section of this Act.

Interpretation Clause.

64. In this Act—unless there be something repugnant in the subject or context—"Criminal Court" includes every Judge, Magistrate, Justice of the Peace, or Police Magistrate lawfully exercising jurisdiction in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed Packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Mails" shall include any letter, parcel or other article conveyed under the provisions of this Act, as well as any box, bag or other article, or any carriage, horse, messenger or other person employed or used by the Post Office for the conveyance or safe custody of the mails; and "British India" includes the Territories which are now or shall be vested in Her Majesty or Her Successors by the Statute 21 and 22 Vic., Cap. 106 *(An Act for the better Government of India)*.

Short title.

65. This Act may be cited as "The Indian Post Office Act, 1865."

STATEMENT OF OBJECTS AND REASONS.

Various amendments of the Post Office Act No. XVII. of 1854, having from time to time presented themselves as desirable, and the phraseology of the existing Act being in some respects obsolete, and several of the Penal Sections having become superfluous by the passing of Act XLV. of 1860 (The Indian Penal Code), it is considered expedient to repeal the existing law, and to enact a new one embodying all the alterations both of form and of substance which have become desirable. The principal amendments proposed will be found in Sections 5, 15, 18, 20 and 22 of the Bill.

Section 5 (corresponding with Section 6 of the present law) enacts the rates to be charged on letters, and it is proposed that postage should increase by one anna for each half tola or fraction thereof above one tola, instead of by two annas for every tola or fraction thereof above two tolas, as under the existing law.

Section 15 (corresponding with Section 17 of the present law) enacts the rates to be charged as "Ship Postage" on parcels conveyed by the Indian post by sea; the proposed alteration being that parcels not exceeding twenty and forty tolas, shall be taxed at the rate of two annas and four annas respectively, instead of at the rate of eight annas which is now leviable on all parcels which do not exceed one hundred tolas in weight.

Section 18 (corresponding with Section 25 of the present law) gives to the Governor General in Council authority to alter all rates of postage, but not so as to increase the rates of letter and newspaper postage.

The authority thus proposed to be given, differs from that possessed under the existing law, in the absence of restriction in respect of increase, so far as the rates of book and parcel postage are concerned.

Section 20 gives to the Governor General in Council authority (which is not possessed under the present law) to fix the rates of postage on letters, &c., conveyed by sea, or partly by sea and partly by land, within the limits of British India: these rates being, under existing arrangements, the same as the ordinary inland rates, together with steam postage (in a consolidated form) where the sea conveyance is effected by mail packets under contract or convention with Her Majesty's British Government.

Section 22 gives to the Governor General in Council authority (not possessed under the present law) to declare in what cases registration shall be compulsory, and to direct the levy of a double registration fee on delivery in such cases, in default of prepayment. The intention of this Section is to provide for the introduction in the Indian Post Office, of a measure similar to that introduced in 1862 in the British Post Office, the object of which was explained by Her Majesty's Post Master General to be "to put a stop to the "frequent loss of letters containing coin, forwarded "through the post without the security of regis-"tration, and to remove from the Officers of the "Post Office the temptation to dishonesty offered "by the passage of such letters."

Two years' experience has proved the utility of the regulation in respect of the British Post Office; and it is, therefore, considered desirable to provide in this Bill for the application of a like measure to the Indian Post Office.

W. GREY.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The 11th October 1865.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

A Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

WHEREAS, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was

amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of irrigation, as should not exceed the rates which should be defined by an Act of Parliament of the Indian Legislature, and should not in any case charge any higher rates whatsoever. And whereas it is expedient to fix the rates which the said Company may charge for the said purpose, it is enacted as follows :—

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

2. This Act shall come into force on the first day of January 1866.

STATEMENT OF OBJECTS AND REASONS.

A supply of water from the Madras Irrigation and Canal Company's works on the river Toombudra being now desired for the use of the Town of Kurnool in the Madras Presidency, it has become necessary to fix the rates which that Company is authorized to charge for water generally, that is, for water supplied for purposes other than irrigation.

These rates, under the 27th Clause of the Company's contract, can only "be defined and sanctioned by an Act of Parliament of the Indian Legislature." A Bill for the purpose has therefore been prepared and forwarded by the Government of Madras to the Supreme Government, with a request that it may be introduced into the Council for making Laws and Regulations of the Viceroy and Governor General.

The rate which the Government of Madras considers proper as a maximum, and which has been accepted by the Agent and Manager of the Madras Irrigation and Canal Company, on behalf of the Company, is one Rupee per four hundred cubic yards of water.

The Draft Bill is framed upon this principle.

G. N. TAYLOR.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

Simla, the 11th October 1865.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India, for the purpose of making Laws and Regulations :—

A Bill to amend Act No. II of 1865.

Preamble.

WHEREAS it is expedient to amend Act No. II of 1865 *(An Act to provide for the maintenance of the Rural Police in the territories under the Government of the Lieutenant Governor of the North-Western Provinces and elsewhere)*, it is enacted as follows :—

Power to the Collector to assess the proprietor where the latter has not made any or an insufficient assessment under Section 2 of Act No. II. of 1865.

1. If any proprietor of an estate, authorised by Section 2 of the said Act to make an assessment for the purposes of such Act, shall fail altogether to make such assessment, or shall assess under the said Section, a sum which the Collector of the District in which such estate is situate shall consider inadequate, it shall be lawful for such Collector to assess upon such estate for the purposes aforesaid, a sum payable yearly by the proprietor not exceeding the amount which might have been raised in each year under the said Section, minus 10 per cent. Such assessment shall be exclusive of the municipal cess or percentage mentioned in Section 6 of the said Act.

This Act to be construed with Act II of 1865.

2. This Act shall be read and taken as part of the said Act No. II of 1865.

Short title.

3. This Act shall be called "The Rural Police Act Amendment Act, 1866."

STATEMENT OF OBJECTS AND REASONS.

Act No. II of 1865, provides for the remuneration of the Village Police from two sources,—a "Municipal cess" collected over and above the Government Revenue, and an assessment rated upon the proprietor in reference to the number of houses upon his estate. For the latter, he is authorized to reimburse himself by levying a house tax under the Act. Both receipts on being collected by Government, are thrown into a common fund from which the Police charges are defrayed.

In case a proprietor should neglect to conclude an assessment on the houses on his estate, or should do so at an inadequate rate; or in case he should prefer to levy the Chowkeedaree dues under any other local custom which he may think it preferable to maintain, he is under the Act at liberty to do so. The imposition of the house tax is not obligatory on the proprietor; it is optional and discretionary, just as his assessment of rent on the fields of his estate is optional and discretionary with him.

But in case he neglects to make a proper assessment, he is not the less bound to contribute to Government the same sum as if he had made a full and proper assessment.

This, which was originally contemplated by the proposers of the measure, was omitted to be provided for in Act No. II of 1865, as finally passed, and the object of the present Bill is to supply the omission.

The Bill provides that in case a proprietor fails to assess and report a full assessment under Act No. II of 1865, he may nevertheless be called upon to pay the same amount which he would have been rated at, if he had made a full and proper assessment under the Act.

W. MUIR.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

No. 2874.

Simla, the 16th October 1865.

Notifications.—In supersession of former orders, the following promotions in the British Burmah Police, will have effect from the dates specified :—

Lieutenant A. Cook, to be Superintendent, 3rd Grade, from 23rd September 1863.

Lieutenant R. W. Litchfield, to be Assistant Superintendent, from 23rd September 1863.

Mr. F. C. Clough, to be Superintendent, 3rd Grade, from 29th May 1864.

Lieutenant M. C. Poole, to be Assistant Superintendent, from 29th May 1864.

Mr. J. Davis, to be Superintendent, 3rd Grade, from 26th June 1864.

Mr. G. D. Anderson, to be Assistant Superintendent, from 26th June 1864.

Lieutenant R. Houghton, to be Superintendent, 3rd Grade, from 6th October 1864.

Captain G. E. Fryer, to be Assistant Superintendent, from 6th October 1864.

Lieutenant J. W. W. Costley, to be Assistant Superintendent, from 21st January 1865.

Mr. W. Pattison, to be Assistant Superintendent, from 18th March 1865.

Mr. B. F. Davidson, to be Assistant Superintendent, from 1st May 1865.

Appointments.

Mr. J. H. Lawrence, Assistant Superintendent of Police, to officiate as Superintendent of Police, 5th Grade, from 19th November 1864, in room of Lieutenant Lowndes, absent on sick certificate.

Lieutenant R. W. Litchfield, Assistant Superintendent of Police, to officiate as Superintendent of Police, 5th Grade, from 6th December 1864, in room of Captain Grove, absent on sick certificate.

No. 2891.

Mr. G. Wilkie is appointed temporarily to the medical charge of the Station of Myan Oung, Pegu Division, British Burmah, *vice* Assistant Apothecary W. H. Yarde, deceased.

Mr. Wilkie assumed charge of his appointment on the forenoon of the 14th August last, from Native Doctor Abdool Hakim.

No. 2903.

The 17th October 1865.

Ramdyal, Tehseeldar of Hoshungabad, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II., Section 22 of Act XXV. of 1861, to be exercised within the limits of his Tehseelee.

No. 2910.

Mr. G. D. Anderson, Assistant Superintendent of Police, Ramree District, Arrakan Division, British Burmah, has obtained privilege leave from 4th to 11th September.

Mr. P. B. Doyle, Superintendent of Police, 2nd Grade, Rangoon District, Pegu Division, British Burmah, has obtained leave of absence on urgent private affairs for six weeks.

Mr. Doyle made over charge of his Office to Mr. J. Treacy, Assistant Commissioner, Rangoon, on the afternoon of the 22nd ultimo.

No. 2912.

The Governor General in Council is pleased to direct that the designations of 1st, 2nd and 3rd Inspectors in the Telegraph Department, shall in future be 2nd, 3rd and 4th Assistant Superintendents respectively.

No. 2915.

The Reverend H. F. Corbyn, Chaplain of Port Blair, has obtained three months' privilege leave from the date on which he may avail himself of the same.

No. 2918.

Under Section 9 of Act I. of 1849, the Governor General in Council is pleased to delegate authority to the Chief Commissioner of British Burmah, to receive reports and to issue orders in cases coming under that Act.

No. 2920.

The Governor General in Council is pleased to appoint Lieutenant O. M. Bradshaw, of the 10th Regiment, Madras Native Infantry, to officiate as an Assistant District Superintendent of Police in the Central Provinces, with effect from the 1st September 1865, *vice* Mr. W. R. Baillie, on leave.

No. 2922.

The following promotions are sanctioned in the Police of British Burmah, consequent on the transfer of the services of Lieutenant F. H. Conolly, Superintendent of Police, 2nd Grade, to the Government of Bengal, with effect from the 14th August 1865 :—

Lieutenant C. A. Munro, Superintendent, 3rd Grade, to be Superintendent, 2nd Grade.

Captain J. C. Middleton, Superintendent, 4th Grade, to be Superintendent, 3rd Grade.

Major C. Coote, Superintendent, 5th Grade, to be Superintendent, 4th Grade.

Mr. J. H. Lawrence, Assistant Superintendent, to be Superintendent, 5th Grade.

Lieutenant Q. S. A. Jameison, Officiating Assistant Superintendent, to be Assistant Superintendent.

No. 2937.

The undermentioned Officers in British Burmah, are invested with the powers of a Subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV. of 1861 :—

Lieutenant R. F. St. A. St. John, Assistant Commissioner, 3rd Grade.

Mr. R. Perreau, Extra Assistant Commissioner, 1st Class, 2nd Grade.

No. 2939.

The Governor General in Council is pleased to attach Mr. G. J. S. Hodgkinson, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 2974.

The 18th October 1865.

Assistant Surgeon J. Brake, M. B., Superintendent of Vaccination, Central Provinces, has obtained one month's preparatory leave of absence from the 1st October, or from such date as he may avail himself of the same, to proceed to Bombay for the purpose of appearing before a Medical Board, with a view to obtaining leave on medical certificate to England.

Assistant Surgeon W. R. Grylls, M. D., in civil medical charge of Chindwarra, is appointed to officiate as Superintendent of Vaccination, Central Provinces, during the absence of Doctor Brake or until further orders.

No. 2992.

The 19th October 1865.

Mr. G. J. S. Hodgkinson, a Junior Civil Servant, having obtained a Certificate of High Proficiency in Bengalee, has been presented with the authorized donation of Rs. 800.

No. 2995.

Mr. Charles Alfred Elliott, of the Civil Service, was permitted to proceed to Europe on furlough for a period of one year, on the 14th of May last.

No. 3011.

The Reverend A. B. Spry has been appointed by the Lord Bishop of Calcutta, to be Commissary during the absence of the Venerable the Archdeacon from Calcutta.

No. 3012.

Mirza Hossein, Tehseeldar of Moongeylee, Belaspore District, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II., Section 22 of Act XXV. of 1861, to be exercised within the limits of his Tehseelee.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 883.

POLITICAL.

Simla, the 18th October 1865.

Notifications.—Attah Mahomed Khan, Khagwain, Extra Assistant Commissioner, Dera Ismael Khan, is appointed Agent of the British Government at the Court of His Highness the Ameer of Cabool.

No. 889.

The 19th October 1865.

His Excellency the Viceroy and Governor General in Council has been pleased to confer the title of Rajah upon Ooron, as the elected ruler of Murriow, in the Cossyah Hills.

W. MUIR.
Secy. to the Govt. of India.

No. 347.

MILITARY.

The 17th October 1865.

Notification.—The Governor General in Council is pleased to confirm the following extract from Brigade Orders issued by the Officer Commanding Central India Horse, under date the 30th September 1865 :—

"Lieutenant J. Miller, Officiating Doing-duty Officer, 2nd Regiment, to officiate as 2nd Squadron Officer in the 1st Corps, during the time Captain Luard may be otherwise employed, or until further orders."

No. 2055.

GENERAL.

The 16th October 1865.

Notifications.—Mr. T. Shepherd, Deputy Commissioner, 3rd Grade, in British Burmah, received charge of the Mergui District from Captain C. P. Hildebrand, on the afternoon of the 31st August 1865.

Captain C. P. Hildebrand, Deputy Commissioner, Officiating 3rd Grade, received charge of the Office of Deputy Commissioner, Amherst District, from Mr. G. E. Barr, Assistant Commissioner, 3rd Grade, on the afternoon of the 5th September 1865.

No. 2057.

Moung Htoon, Extra Assistant Commissioner, 3rd Class, 1st Grade, in the Arracan Division of British Burmah, has obtained leave of absence on private affairs for one month, from the 25th August 1865.

No. 2059.

Lieutenant G. C. Sartorius, Assistant Commissioner of Chandah, in the Central Provinces, has obtained privilege leave of absence for one month, from the date on which he may avail himself of it.

No. 2061.

Captain H. Fraser, 2nd Assistant to the Resident at Hyderabad, officiated as 1st Assistant in the room of Major Stubbs, from the 5th to the 9th September 1865 inclusive.

No. 2067.

The 17th October 1865.

Messrs. M. L. Ferrar and T. N. Wilson, C. S., whose services were placed at the disposal of the Chief Commissioner of Oudh in G. O. No. 1798, dated 4th September, arrived at Lucknow—the former on the 24th ultimo and the latter on the 2nd instant.

No. 2069.

The services of Lieutenant F. W. Grant, Assistant Commissioner, Hyderabad Assigned Districts, are replaced at the disposal of the Military Department.

No. 2072.

The privilege leave of absence for one month granted to Lieutenant G. Weldon, Local Fund Engineer, Hyderabad Assigned Districts, in G. O. No. 1472, dated 15th July, is extended to two months.

Lieutenant Weldon availed himself on the 9th ultimo, of the leave granted him in the above-mentioned Notification.

No. 2074.

The following promotion and appointment in the Commission of British Burmah, are sanctioned by the Governor General in Council, with effect from 20th July last:—

Moung O, Extra Assistant Commissioner, 4th Class, 1st Grade, on Rs. 100, to be Extra Assistant Commissioner, 3rd Class, 4th Grade, on Rs. 120, in the room of Moung Shwé Att, promoted.

Moung Kra Oung is confirmed in the appointment of Extra Assistant Commissioner, 4th Class, 1st Grade, on Rs. 100, *vice* Moung O, promoted.

No. 2076.

Major W. D. Dickson, Cantonment Magistrate, Neemuch, is granted privilege leave of absence for one month, from 10th November next, or from such subsequent date as he may avail himself of it.

No. 2078.

The 18th October 1865.

The Governor General in Council is pleased to accept the resignation of his appointment by Mr. F. Motley, Extra Assistant Commissioner, 1st Class, 1st Grade, in British Burmah, with effect from the 17th of September 1865.

A. COLVIN,

Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2962.

Simla, the 17th October 1865.

Notification.—Mr. L. Berkeley, Assistant to the Deputy Commissioner of the Lahore Circle of Issue of Paper Currency, has obtained one month's privilege leave from the 5th instant.

Mr. J. D. Tremlett, C. S., Assistant Commissioner, Lahore, will discharge Mr. Berkeley's duties in addition to his own, from the date on which he may be put in charge of the Currency Office by the Deputy Commissioner of Paper Currency, Lahore.

No. 2952.

The 18th October 1865.

From E. H. LUSHINGTON, ESQ., Secretary to the Government of India, Financial Department, to the Accountant General, North-Western Provinces.

SIR,—In reply to Officiating Deputy Accountant General Mr. Eede's letter No. 126 of the 15th September 1865, I am directed to state that Sundays should be excluded from the time which is allowed for travelling, but not from that which is allowed at the port of embarkation in paras. 3, 9 and 18 of the Covenanted Civil Service Absentee Rules of the 16th December 1864.

Ordered that the foregoing letter be published in the *Gazette of India*, and that copies of it be forwarded for information and guidance to the Accountants General in Bengal, Madras, Bombay, the Punjab and British Burmah; to the Deputy Accountants General in the Central Provinces and Hyderabad, and to the Auditor and Accountant, Mysore.

No. 2975.

The 18th October 1865.

From E. H. LUSHINGTON, ESQ., Secretary to the Government of India, Financial Department, to the Chief Secretary to the Government of Bombay.

SIR,—With advertence to Under-Secretary Mr. Jacomb's endorsement No. 4064, dated the 27th September 1865, I am desired to state that salaries for a period *after* the 1st August 1865, which may have been paid *before* that date, need not be subjected to Income Tax, but salaries for a period up to 30th June 1865, which may have been or may be paid after 1st August 1865, are liable to Income Tax.

2. I am also to state that interest on Government Securities, which became due and payable on 1st August 1865, is exempt from Income Tax, but any interest which becomes due and *payable* before 1st August 1865, but which was not claimed till after that date, is liable to the Tax.

A copy to the several Local Governments and Administrations, and to the Comptroller General of Accounts, and to the several Accountants General and Deputy Accountants General in independent charge.

A copy to be published in the *Gazette of India*.

No. 3015.

The 18th October 1865.

Notification.—Under the provisions of Section 2, Act XVIII. of 1865, and in the exercise of the power and authority therein reserved, the Governor General of India in Council is pleased to direct that Stamp Duties shall be levied according to the annexed Scale, on petitions of plaint or appeal in suits instituted in Courts of Small Causes established under Section 6, Madras Act No. IV. of 1865 (to make provision for the administration of Military Cantonments in the Presidency of Fort St. George):—

SCALE.	*Paper Stamp.*
If the amount or value of the property claimed do not exceed 8 Rupees ..	Rs. 0 4 0
If it exceed 8 Rupees, but do not exceed 16 Rupees	0 8 0
If it exceed 16 Rupees, but do not exceed 32 Rupees	1 0 0
If it exceed 32 Rupees, the same Stamp as for a suit in any other Court.	

By Order of the Governor General in Council,

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 16th October 1865.

No. 943 *of* 1865.—*Erratum.*—In G. G. O. No. 660 of 1865, granting superior pensions to certain Non-Commissioned Officers of the late East Indian Regiment, for "Sergeant Joseph Moreen," read *Sergeant Joseph Noreen.*

Order Books to be corrected accordingly.

No. 944 *of* 1865.—The undermentioned Officer has reported his return from England:—

	Date of arrival at Fort William.
Captain William Sheffield, Bengal Staff Corps.	3rd October 1865.

No. 945 *of* 1865.—The following promotions by brevet, are made under the operation of G. G. O. No. 632 of the 4th August 1864, subject to Her Majesty's approval:—

BREVET.

Corps.	Rank and Names.	Date from which entitled to the rank of Major.
	To be Majors.	
Late 73rd Native Infantry ...	Captain Frederick Richard Norman Fortescue	20th September 1865.
Late 1st European Light Cavalry	Captain Frederick Charles John Brownlow	1st October 1865.
	To be Captain.	*Date from which entitled to the rank of Captain*
Unattached List	Lieutenant John Hopkins ...	23rd September 1865.

No. 946 *of* 1865.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names:—

Captain H. L. Hawkins, of the Bengal Staff Corps, 2nd Squadron Officer, 7th Bengal Cavalry, on leave to Europe on private affairs for two years, G. G. O. No. 640 of the 26th June 1865.	*Simla,* 24th September 1865.
Assistant Surgeon E. J. Hoskins, M. D., of the Medical Department, attached to the 14th Bengal Cavalry, on leave for eighteen months, G. G. O. No. 840 of the 5th September 1865.	*Meinam,* 3rd September 1865.
Assistant Surgeon J. H. White, of the Medical Department, in medical charge 7th Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 851 of the 11th September 1865.	*Mooltan,* 10th September 1865.

No. 947 *of* 1865.—The undermentioned Officer having completed twelve years' service, four years of which were on permanent staff employ, to be Captain from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Lieutenant and Brevet Captain J. T. Harris.	5th Oct. 1865.

No. 948 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Wellesley Campbell, of the late 71st Regiment, Native Infantry.	For fifteen months, under the new Regulations.

The 17th October 1865.

No. 949 *of* 1865.—The following temporary arrangements are made in the Ordnance Department:—

3rd Class Commissary of Ordnance 2nd Captain D. J. Welsh, Royal Artillery, to officiate as 2nd Class Commissary of Ordnance, from the 25th September 1865, during the absence on leave on medical certificate, of Major J. C. Griffith, or until further orders.

2nd Captain D. J. Welsh, Royal Artillery, Officiating 2nd Class Commissary of Ordnance, to act as Personal Assistant to the Inspector General of Ordnance and Magazines, during the absence on leave on medical certificate, of Major J. G. Hathorn, Royal Artillery, or until further orders.

Lieutenants J. A. S. Colquhoun and A. Conolly, Royal Artillery, to officiate as 3rd Class Commissaries of Ordnance, to complete the Establishment. The nomination of the latter Officer is, without prejudice to his permanent appointment, with the Peshawur Mountain Train Battery.

No. 950 *of* 1865.—With reference to the Notification issued by the Government, North-Western Provinces, No. 973 of the 11th instant, the services

of the undermentioned Medical Officers are temporarily placed at the disposal of His Excellency the Commander-in-Chief, for employment with the troops serving in the Bhootan Frontier :—

Assistant Surgeon C. O. Daniell, M. D., Civil Assistant Surgeon of Jounpore.

Dr. H. S. Smith, M. D., Civil Assistant Surgeon of Muttra.

Dr. A. H. Hilson, M. D., Civil Assistant Surgeon of Goruckpore.

No. 951 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Lieutenant-Colonel S. J. Hire, of the Bengal Staff Corps, Major of Brigade, Officiating Deputy Assistant Adjutant General at Army Head Quarters, to be Assistant Adjutant General of Division, in succession to Lieutenant-Colonel T. Wright, whose tenure of appointment has expired.

Lieutenant-Colonel Hire will continue to officiate in the Adjutant General's Department at Head Quarters, until the return from sick leave to Europe, of Major G. E. Holmes, or until further orders.

Captain H. Waring, of Her Majesty's 88th Foot, Officiating Brigade Major, to be a Brigade Major on the Establishment, *vice* Lieutenant-Colonel Hire.

The 18*th October* 1865.

No. 952 *of* 1865.—The services of Major Edmund William Eardley Howard, of the Bengal Staff Corps, are placed temporarily at the disposal of the Government of Bengal.

No. 953 *of* 1865.—Major William Charles Robert Mylne, of the Bengal Staff Corps, Deputy Assistant Commissary General, is allowed leave of absence for one month, from such date as he may avail himself of it, to visit the Presidency preparatory to applying for leave of absence on medical certificate to Europe.

No. 954 *of* 1865.—His Excellency the Governor General in Council is pleased to lay down the following scale of Articles of Clothing to be supplied, in alternate years, to the Eurasian Battery of Artillery :—

EURASIAN BATTERY OF ARTILLERY.

1st Year.	*2nd Year.*
1 Tunic.	1 Serge Frock.
1 Pair Cloth Trowsers.	2 Pairs Serge Trowsers.
1 Serge Frock.	2 Pairs Ankle Boots.
1 Pair Serge Trowsers.	
2 Pairs Ankle Boots.	

One Great Coat per man, which should last the prescribed period of service. Waterpoof Capes and Caps in the proportion allowed to troops serving in the Cossyah Hills, will be supplied to the Eurasian Battery as long as it may serve on the Eastern Frontier.

Compensation will not be granted in lieu of any of the Articles of Clothing above mentioned.

The 19*th October* 1865.

No. 955 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following promotion in the Department of the Adjutant General, until further orders :—

Major G. L. Fraser, Assistant Adjutant General, to officiate as First Assistant Adjutant General, with effect from 1st September 1865, *vice* Captain C. H. S. Scott, who reverts to his position as Officiating Assistant Adjutant General.

No. 956 *of* 1865.—Captain William Sheffield, of the Bengal Staff Corps, is allowed an extension of leave from the 14th August to the 3rd October 1865—the date on which he reported his return to Bengal from sick leave to Europe.

No. 957 *of* 1865.—The undermentioned Soldier of Her Majesty's Service, is permitted to reside and draw his pay in India as an out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension :—

Sergeant Thomas White, Her Majesty's 101st Royal Bengal Fusiliers.

No. 958 *of* 1865.—The undermentioned out-pensioners of the Royal Hospital at Chelsea, having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of Pension per diem.
Private William Caroll, late of Her Majesty's 19th Hussars.	1*s.* (one shilling), from the date on which he ceases to receive regimental pay.
Private Henry Whitehead, late of Her Majesty's 52nd Foot.	1*s.* (one shilling), from the date on which he ceases to receive regimental pay.
Private Henry O'Donnell, late of Her Majesty's 104th Foot.	10½*d.* (ten pence and halfpenny), from the date on which he ceases to receive regimental pay.
Park Sergeant William Brett, late of the 22nd Brigade, Royal Artillery.	2*s.* (two shillings), from the date on which he ceases to receive regimental pay.
Private William Black, late of Her Majesty's 19th Hussars.	6*d.* (six pence), for nine months, from the date on which he ceases to receive regimental pay.

Private Henry Critchell, late of Her Majesty's 19th Hussars.	7*d.* (seven pence), for fifteen months, commencing from the 15th August 1865.
Bombardier William Gordon, late of the Horse Brigade, Royal Artillery.	1*s.* (one shilling), from the date on which he ceases to receive regimental pay.

No. 959 *of* 1865.—The following General Order issued by the Government of Bombay, is published for general information :—

No. 511 *of* 1865, *dated the* 28*th September* 1865.—Under instructions from Her Majesty's Principal Secretary of State for India, Government is pleased to direct that all claims remaining unpaid on account of Persian Donation Batta, must be preferred to the Examiner, Pay Department, before the 31st March next, supported in the prescribed manner. Certificates that the claims have not been paid in England, must also be attached under the signature of Officers Commanding Corps or Heads of Departments. Any neglect of this order, except in cases where compliance can be proved to have been impractical, will be held sufficient reason for negativing future claims.

No. 960 *of* 1865.—The undermentioned Students of the Agra Medical School, having passed the prescribed examination, are admitted into the service as Native Doctors, with effect from the 1st October 1865, and placed at the disposal of the Principal Inspector General, Medical Department :—

Ram Lall.	Kaderdad Khan.
Pyar Allie Khan.	Eusuff Khan.
Mohamed Galib.	Walee Mohamed Beig.
Basseerood Deen.	Raheemoollah.
Meer Abdool Rehman.	Meer Khoda Bux.

Elahee Bux.

No. 961 *of* 1865.—The following promotions are made in the undermentioned corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
28th (Punjab) Regiment, Native Infantry	Jemadar Gunga Ram ...	Subadar ...	12th Aug. 1865...	Ally Bux, resigned.
	Havildar Peer Bux ...	Jemadar ...	Ditto ...	Gunga Ram, promoted.
29th (Punjab) Regiment, Native Infantry	Jemadar Noor Khan ...	Subadar ...	22nd Aug. 1865 ..	Jowahir Sing, invalided.
	Havildar Sher Sing ...	Jemadar ...	Ditto ...	Futtehdeen, invalided.

No. 962 *of* 1865.—*Erratum.*—In G. G. O. No. 865, dated 18th September 1865, admitting Lieutenant Birch, 101st Royal Bengal Fusiliers, 3rd Squadron Officer, 15th Bengal Cavalry, to the Bengal Staff Corps, for the Christian name "James," read *John.* Order Books to be corrected accordingly.

The 20*th October* 1865.

No. 963 *of* 1865.—The services of Surgeon A. V. Ward, of the Bombay Establishment, are placed temporarily at the disposal of the Foreign Department, with effect from 10th instant.

No. 964 *of* 1865.—His Excellency the Governor General in Council is pleased to authorize the payment of a third and final instalment of the Delhi Prize Money at Rupees twenty a share.

2. This payment will be carried out under the rules applied in the first and second distributions.

3. In order to obviate delay in the transmission of the Rolls of claimants payable in England, Officers Commanding Stations, Regiments and Batteries, are hereby required to make known to all who are still in India, that their claims must be submitted without delay, and that two months after the date of this General Order, the names of all whose claims to payment in India have not been received, will be included in the Rolls of shares payable in England, and that no payment can be made in India to any one entered in such Rolls, without a certificate from the authorities at Chelsea Hospital, that payment has not and will not be made in England.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 363.

ESTABLISHMENT.

Simla, the 13*th October* 1865.

Notifications.—The undermentioned persons are appointed to the Public Works Department, as Accountants of the 4th Grade, on probation, and posted to the Central Provinces, with effect from the 1st September 1865 :—

Mr. Pereira.	Gopal Rao.
Venketroydoo.	Rungiah.

No. 364.

The 16*th October* 1865.

Privilege leave for two months is granted to Major G. Chesney, Accountant General, Public Works Department, from the 10th November next, or the date on which he may avail himself of it.

Major J. McLeod Innes, V. C., Controller of Public Works Accounts, Punjab, will officiate as Accountant General, during the absence of Major Chesney; and Mr. W. A. Billings, Deputy Controller, will officiate as Controller of Public Works Accounts, Punjab, in the 2nd Class, during the absence of Major Innes.

No. 365.

Mr. J. T. Denmeade, C. E., Assistant Engineer, 2nd Grade, North-Western Provinces, and Civil Divisional Engineer, Allygurh, passed the Hindustanee Examination on the 9th February 1865.

No. 366.

Mr. T. H. Wickes is re-appointed to the Public Works Department as an Executive Engineer of the 4th Grade and posted to Bengal.

No. 367.

Mr. R. Gordon, Assistant Engineer, 2nd Grade, appointed to officiate temporarily as Executive Engineer of the Upper Pegu and Arracan Roads Division, in Public Works Department Notification No. 281, dated 3rd August 1865, assumed charge of the latter Division on the forenoon of the 1st August 1865.

Mr. P. Magrath, Sub-Engineer, 2nd Grade, transferred from the officiating charge of the Upper Pegu and Arracan Roads Division, and placed under the orders of the Executive Engineer, Rangoon Division, in Public Works Department Notification No. 281, dated 3rd August 1865, joined the latter Division on the 6th August 1865.

No. 368.

The 17th October 1865.

Mr. R. D. Hamilton is re-appointed to the Accounts Branch of the Public Works Department, as temporary Accountant of the 2nd Grade, and posted to British Burmah.

No. 369.

Lieutenant J. H. Bedford, R. E., Executive Engineer, 4th Grade, Public Works Department, Rajpootana, is granted one month's leave of absence on private affairs, in extension of the three months' special leave granted to him in Public Works Department Notification No. 306, dated 24th August 1865.

No. 370.

One month's privilege leave of absence is granted to Colonel Lawford, R. E., (Madras) Chief Engineer, Mysore, from such date as he may avail himself of the same.

No. 371.

The 19th October 1865.

Mr. L. H. Trotter, Deputy Controller, Public Works Accounts, Bengal, is transferred, as a temporary arrangement, to the office of the Accountant General, Public Works Department, for employment on special duty at Bombay.

Mr. D. A. Gantzer, Accountant, 1st Grade, Bengal, at present officiating as Deputy Controller, Hyderabad, will officiate as Deputy Controller of Public Works Accounts, Bengal, during the absence of Mr. Trotter.

This cancels Notification No. 362 of the 12th instant.

No. 20F.

REVENUE—FORESTS.

The 19th October 1865.

Notification.—Erratum.—In Public Works Department Notification No. 20F., dated 12th September 1865, published at page 1005 of the *Gazette of India*, for "Mr. M. Elsner," *read* "Mr. F. U. Elsner."

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

Bye-Laws for the Cities of Fyzabad and Adjoodhia.

The following Rules for the conduct of business and execution of Act XVIII. of 1864, by the Municipal Committee within the city and suburbs of Fyzabad, are, with the approval of the Chief Commissioner, Oudh, published for general information, and are to be considered in force from the 15th September 1865 :—

Conduct of Business

Meetings of Committee.

I.—There will be one Meeting in every month, *viz.*, on the third Thursday, at 6 o'clock A. M. in summer, and 7 o'clock A. M. in winter.

Emergent or Special Meetings.

II.—The President, or, in his absence, the Vice-President, or, in the absence of both, the Secretary, may on any occasion arising, call an emergent Meeting by Circular or separate summons upon not less than twelve hours' notice; but no business shall be transacted thereat other than that for which the Meeting may be called.

Postponement of regular Meeting.

III.—Should occasion arise to postpone the regular Meeting, due notice must be given; otherwise the Bye-laws must be the guide of each member.

Chairman in absence of the President.

IV.—In the absence of the President, the Vice-President shall take the chair; in the absence of both, the Meeting to elect their own chairman.

Number of Members to form a quorum.

V.—Five members shall constitute a quorum.

Chairman to have a casting vote.

VI.—The Chairman shall, in case of equal division, have a second or casting vote.

Regulation of business.

VII.—The President shall regulate the course of all business to be brought forward, and preserve order. No discussion on any points of order shall be allowed, unless the President shall think fit to take the opinion of the members present.

Submission of point of order to President.

VIII.—Any member present may submit a point of order to the President.

Mode of proposing or discussing any question.

IX.—In proposing or discussing any question, each member shall speak from his place, always addressing the President.

Members not to speak twice upon any motion.

X.—No member shall speak twice upon any motion or amendment, except the mover in reply.

Votes how to be taken.

XI.—Votes shall be taken by a show of hands, if the mover of any question demands a poll.

Proposition or amendment to be in writing.

XII.—Every proposal or amendment shall be in writing, but unless required by the President, the proposal or amendment need not be seconded.

Questions from members how to be put.

XIII.—All questions from one member to another, relating to the business of the Meeting, shall be put through the President.

Meetings of Committee open to public.

XIV.—The Meetings of the Municipal Committee are, as a rule, open to the public, but strangers can be requested to withdraw if necessary.

Communications to be sent in a day previous to Meeting.

XV.—All communications intended for the monthly Meeting, must reach the Secretary not later than noon of the day previous to any Meeting.

Correspondence to be referred to Sub-Committee concerned.

XVI.—All correspondence to be referred by the Secretary to the Sub-Committee to which it belongs, immediately on receipt, and their report to be made at next general Meeting through the Secretary.

Division of duties.

XVII.—The division of duties shall be as follows, and members of the Sub-Committees shall be named on the first May of each year, and a list containing the names of each Sub-Committee, will be hung up in the Committee's Office :—

1ST.—CORRESPONDENCE AND ACCOUNTS.

2ND.—SITES, BUILDINGS, REPAIRS.

3RD.—DRAINAGE, CONSERVANCY, POLICE AND ROAD.

4TH.—ESTIMATES.

XVIII.—The Sub-Committee will regulate and look after all works provided for in the Annual Budget.

Emergent work.

XIX.—In all cases of exigency, the Sub-Committee shall have authority to act without immediate reference to the general Committee, if the cost does not exceed Rs. 500, provided the work is one of urgent necessity; and the Secretary, if the exigency be great, may act alone to the extent of Rs. 100; but in other case, an emergent Meeting at twelve hours' notice, should be summoned.

Absolute sale of land.

XX.—Any person desirous of purchasing or renting ground belonging to the Committee, for building or other purposes, shall submit a written application with plans to the Secretary, describing the locality and extent of the ground required,—such application will be made over to the Sub-Committee concerned, for report. In case of sale, the ground shall be measured and marked off, an upset price fixed, and the lot be put up to public auction, after being advertized by Town Crier for fifteen days,—such sales will be held at the Office of the Secretary, who will furnish a printed copy of the general terms of the sale.

Tenants of land.

XXI.—In cases of applications for land in the town on lease, the Committee shall be at liberty to determine the maximum rent and to select their tenant. Lands in civil line are rented at four Rupees per acre, *vide* Secretary to Chief Commissioner's Circular letter No. 81-2929, dated 2nd October 1863.

XXII.—The Committee may reject any application for grounds on rent or sale, without assigning reasons to the applicant, or may impose as one of the conditions, that buildings, out-buildings, and surrounding walls or enclosures, shall be of a certain character or value, and be constructed within such time as may be fixed at the time of sale or lease, subject, in case of failure, to resumption of the ground.

Names of Streets.

XXIII.—The names of streets shall all be gradually put up, and any person found guilty of destroying or defacing such indicators, shall be subject to fine.

Sub-letting of a house without permission interdicted.

XXIV.—No tenant of a house, holding a permanent or temporary lease, shall be allowed to sub-let without permission of the Committee first obtained.

Members of Committe not to take contracts.

XXV.—No member of the Municipal Committee shall be allowed to take any contract, or have any pecuniary interest in any contract granted by the Committee or their Municipal Engineer.

Municipal Engineer.

XXVI.—The Municipal Engineer will be the referee of the Committee in all engineering questions, large and small, and be guided in the performance of his duties by such Rules as may be framed by the Committee.

NUISANCES.

Act XLV. of 1860, Penal Code.
Act XXV. of 1861, Criminal Procedure Code.
Act V. of 1861, Police Act.

XXVII.—In addition to the nuisances provided for by the Acts quoted in the margin, the following are now defined as local nuisances within the cantonment and city of Fyzabad and town of Adjoodhia, and prohibited under the authority vested in the Municipal Committee, under Section 15, Act XVIII. of 1864, and subject to the penalty declared therein :—

Excavations or Cutting Trees, &c.

1. Quarring kunkur and digging for bricks without permission, or cutting down trees or grass on public ground.

Neglected buildings or land.

2. Leaving lands or buildings so neglected as to afford shelter to thieves or disorderly persons, or otherwise becoming a nuisance.

3. Erecting any temporary or permanent building, wall, shed, awning, chubootra or enclosure, without license.

Erecting walls, sheds, &c.

4. Growing high crops without permission, such as are likely to be prejudicial to the public health, or to affect the public safety by affording cover or shelter to thieves and other bad characters.

High crops.

5. Picketting animals, or collecting carts or forming encampments on any public ground, without permission.

Picketting cattle or forming encampments.

6. Flying paper kites, or engaging in any other games in such manner as to be a nuisance, or likely to endanger passengers on the public roads.

Flying kites.

7. Collecting or depositing night soil and other filth in any place not specially set apart for that purpose.

Filth deposits.

8. Disobeying any order of the Committee acting as a Board of Health, for the removal of vegetation and under-wood calculated to obstruct ventilation, or neglecting to keep in repair and properly clear, an enclosure or premises.

Committee as Board of Health.

9. Neglecting in any estate, compound, enclosure or premises, to keep in proper repair and properly clean, any privy or latrine.

Neglecting premises or latrines.

10. Constructing drains or cesspools, or neglecting the same in such a manner as to affect the health of the public.

Drains and cesspools.

11. Using any place for purposes of nature, except the public latrines.

12. Begging in the bazaars or other public streets or thoroughfares of the civil lines and cantonment, or otherwise causing annoyance to passers by—provision having been made for a Relief Fund, and a Blind and Leper Asylum.

Begging.

13. Using driving roads during driving hours by camels and elephants or loaded carts, and using any portion of the road excepting the sides at other times.

Camels, elephants, or loaded carts.

14. Driving carriages, buggies, dog-carts or other conveyances after dusk, without clear lights on both sides of the same.

Lights to carriages.

15. Driving otherwise than on the left hand side of the road, or passing any other conveyances otherwise than by leaving them to the left hand.

Driving on proper side of road.

16. Letting loose, or allowing to stray or graze any cattle whatsoever, in any public place without permission.

Stray cattle.

17. Storing more than five maunds of saltpetre, or one maund of gunpowder, or five maunds of fireworks.

Combustibles.

18. Establishing depôts for hay and bamboos within city limits, except at such places and under such conditions as may be fixed by Sub-Committee of Conservancy.

Hay and bamboos.

19. Forming up or moving of processions at night on any public road, without a written order from the Superintendent of Police.

Processions.

20. Failure, on the part of Native musicians in processions, whether by night or by day, to cease playing at the approach of any carriage or other conveyance to which horses may be harnessed.

Native musicians.

21. Burying on any ground once publicly declared by the Committee as closed, or using an unlicensed cemetery.

Burying ground.

22. Disposing of any corpse in the river Gogra, or in any ravine or nullah leading to the river above the Dilkoosha Burning Ghât, as fixed by Sub-Committee, and in Adjoodhia above Ramghâut.

Throwing bodies into river, &c.

23. Neglecting the removal, within a reasonable time, to the place set apart for the burial, of the carcass of any animal which may die on the owner's or occupier's premises.

Carcasses of animals.

24. Destroying trees or plucking fruits or flowers in public garden.

25. Making a public thoroughfare of public gardens intended only for pleasure seekers.

CHAPTER II.

MUNICIPAL ENGINEER.

1. He will not be a Member of the Committee, but will be required to be in attendance, when requisite, at their Meetings, to give his opinion on questions relating to his Department, and also of laying before the Committee any projects which require their sanction.

Engineer not to be a Member of the Committee.

2. The Municipal Engineer and his subordinates will be considered the custodians of all municipal property, such as bridges, roads, drains, &c.; they will constantly keep themselves informed of their state, and bring to notice any repairs that may be from time to time required.

Custody of municipal property.

3. He will have an Office Establishment perfectly distinct from the writer to the Municipal Committee, who will have nothing to do with the accounts or Municipal Engineer.

Establishment for.

4. For this Office Establishment, one writer and one draftsman with a moonshee will suffice; the Establishment now proposed and subject to revision after one year, will consist of—

1. Municipal Committee Establishment, } As
2. Office Establishment, } below.

The former to include all darogahs, chowkeedars, &c., employed in general supervision, or in guarding general stores not chargeable to any particular work; and the latter, all writers employed in preparing general accounts, draftsman, personal chuprassees and other men who might be strictly included in the term, and who are not chargeable to any

particular work. The principle must be enforced that, as far as possible, chowkeedars, moonshees and other men of the kind, when employed on one or two works, should be charged to those works—their pay being covered by the estimated cost of such works.

Certain Establishment to be charged to work.

5. This system is now followed in the Public Works Department, and answers well. No work should be commenced (except in urgent cases), otherwise than on a regular estimate signed by the Municipal Engineer, accompanied, where necessary, by proper drawings, and sanctioned in writing by the proper authority, according to the rules in force.

Works not to commence without written permission.

6. A list of works in progress during each month, will be submitted at its close to the Municipal Committee, showing the authority (which should invariably be given in writing), and noting any works completed during the month. The Committee would thus be kept cognizant of all that is being done.

Monthly Progress Report of works.

7. The rates assumed should be examined and passed by the Executive Engineer, or any other professional Member of Committee; and the calculations of the abstract being checked in the Municipal Committee's Office, the estimates should then be laid before the Committee for orders.

Examination of estimates.

8. The Municipal Engineer will have formal sanction in writing for all expenses that he has to incur, and will be responsible for working within the estimate and amount sanctioned, or should he find he is unable to do so, for at once reporting the matter and obtaining sanction for the further outlay required, by means of a supplementary or revised estimate prepared on the same principle as the original one.

Engineer responsible for working within estimates.

9. All sanctions will be entered by Committee in a ledger, and grants of cash on the Municipal Engineer's monthly applications, will be made in reference thereto and entered on the other side. This will check the applications in a general way, and they should also be considered in a reference to the possibility and probability of expending the sum asked for, before the next application is due.

Committee to keep account of all sanctions and orders of cash payment.

10. On sanctioning the application of Municipal Engineer for funds, the amount will be placed at his credit in the Deputy Commissioner's Treasury, and he will effect all payments above Rupees twenty in amount by check on his Treasury, in favor of parties actually entitled to receive the money.

Funds for expenditure by Engineer to be placed in.

11. No disbursements shall be made by Municipal Engineer through overseers or others.

12. Figured abstracts, as kept in Public Works Department, will be kept by Municipal Engineer, shewing the expenditure on each subheading of estimate. These figured abstracts are for the purpose of preparing the accounts, and will not be ordinarily submitted to the Committee; but such abstracts, as well as such books, papers and documents of all sorts, as relate to the business and duties performed by the Municipal Engineer for the Committee, are to be the property of the Committee, and freely open to immediate inspection and liable to instant delivery, agreeably to orders by the Committee.

Abstracts and Account Books of Engineer.

13. The Municipal Engineer will submit monthly bills for works done during the month. These bills will be passed on similar principle as the abstract of estimate, so as to allow comparison therewith; and after checking the rate, they will be compared by Committee with estimate, and if below estimate, the money will be paid; if above, satisfactory explanation will be demanded.

The Municipal Engineer will be responsible for the proper preparation of these bills, both in regard to quantities of work returned and the cost stated.

14. On the completion of any work, the Municipal Engineer will report concisely that the work has been properly and efficiently executed according to the estimate, or otherwise detailing the actual state of the case, and will attach to such Completion Report the certificate as per margin. The Committee will then have the work examined as thought necessary, the total cost of the work will be taken out from the bills, &c., and if satisfactory, the work will be formally passed, and until formal passing, the Municipal Engineer will remain responsible in every way for the work, both as regards quality, charges made, quantities returned, &c.

Completion Report of work.

I do hereby certify that I have received the amount entered in this bill, and that I have paid it away for the purposes specified; and that I have personally ascertained that all accounts connected with this work, are finally settled, and all work and material has been paid for in full, as per receipts attached; and to the best of my knowledge, the work has been properly executed, and the quantities entered are correct.

15. The Municipal Engineer will keep a book containing *bonâ fide* entries of all receipts and disbursements, the latter being supported by receipts for all sums, except money paid away direct to work people; a copy of the cash book signed by the Municipal Engineer and accompanied by the vouchers, should be sent to Municipal Committee every month for record.

Cash Book of Receipts and Disbursements.

16. In case of old stock being expended, the bill would show the actual cash expenditure, and a memorandum of stock expended with its estimated value at current rates.

Stock.

17. Stock accounts, where articles are not used when bought, should be kept, shewing exactly how all materials are expended and whence received; but these would only be liable to be produced if called for, as would all the records in the Engineer's Office, which are the property of the Committee.

Stock Accounts.

18. Every man employed on the works should be directly under the Engineer, and no orders should be given to the overseer employed under him, except through him.

Work establishments to be under Engineer.

19. There is a certain class of work, such as small repairs to roads and drains, or buildings, &c., which need not and cannot be estimated beforehand. For these,

Allotment for minor works and repairs.

a lump sum might be allotted, *viz.*, the Rupees two hundred, cooly establishment and the expenses incurred, passed on bills similar to those already mentioned; specific entries for specific objects should always be insisted on. The Committee should have the power of comparing the cost of similar works, which can only be obtained in the above manner.

20. The Sub-Committee of accounts will audit and report on them once every three months.

CHAPTER III.

Rules for appointment, suspension, and removal of Officers and servants of the Committee, under Section 15 *of the Municipal Act.*

1. The appointment of Municipal Engineer will be made by the General Committee alone. If he belongs to the Department Public Works, his dismissal can only be ordered in communication with that Department; but the Committee have power to suspend him for misconduct for any period, and during such suspension he will be liable to be put on one-fourth salary. If he is not in the public service, the Committee can suspend or remove him as they think fit.

2. The Municipal Committee are empowered to investigate all cases in which the Municipal Engineer is concerned, and, after due enquiry, to determine what is "misconduct" under the above rule, and the Municipal Engineer will be bound to attend all enquiries ordered by the Committee.

3. The appointment, suspension, or removal of all other servants of the Committee, rests generally with that body; but Sub-Committees have also the power to dismiss any servant on a salary less than Rupees fifty per mensem, provided that he is allowed an appeal to the General Committee, and provided, if he is working under the Municipal Engineer, that Officer be consulted.

4. All servants alluded to in the provious Section are liable to fine, provided that any fine by a Sub-Committee can be appealed to the General Committee.

5. The Municipal Engineer will have power to punish by fine or dismissal any man employed under him, receiving not more than Rupees twenty a month.

6. The Municipal Engineer or any person employed by the Committee shall not have a personal pecuniary interest, directly or indirectly, in the construction of any building or performance of any engineering or other work, except with the special sanction of the Municipal Committee previously obtained, or in the manufacture, supply, or sale of building materials.

ADVERTISEMENTS.

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rupees 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

No. 83.

NOTIFICATION.

Lost, Stolen, or Destroyed.

The undermentioned Government Promissory Note deposited in the Treasure Chest of the late Cawnpore Executive Commissariat Officer of this Division (Deputy Assistant Commissary General late Captain W. W. Williamson), on the outbreak of the Mutiny in the month of June 1857, by Sewbux Roy and Bissennoth, late Contractors, is not forthcoming. The Note was endorsed in favor of the Executive Commissariat Officer, Cawnpore, by the depositors, and has never been endorsed by him to any other party. Payment of this Note and of interest thereupon, have been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Executive Commissariat Officer, Cawnpore:—

No. 13589 of 48921 of 1841-42 (transferred to No. 7260 of 1854-55) of 5 per cent., for Rs. 1,000.

2. This Office Notification No. 56 of 18th February last, published in *Gazette of India*, 4th March 1865, is hereby cancelled.

S. Chalmers, *Captain,*
Depy. Asst. Commissary General.

Ex. Commissariat Office;
Cawnpore,
The 14*th October* 1865.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India.

R. P. Harrison,
Comptroller Genl. of Accounts.

Fort William;
Loan Office,
The 14*th Oct.* 1865.

Department of Issue of Paper Currency, Calcutta Mint.

The following Currency Notes are this day available for coin at this Office.

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin:—

Allahabad Circle Notes	for	Rupees		1,72,920
Lahore	ditto	ditto	...	56,700

J. F. Shekleton,
The 14*th October* 1865. *Offg. Head Commr.*

Statement of Government Promissory Notes enfaced for payment of Interest in London, shewing the total amount outstanding according to the Registers received in this Office up to 21st September 1865.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent., Public Works, of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	TOTAL RUPEES.
Amount brought forward from Statement dated 13th September 1865 ...	7,45,900	53,000	300	26,90,000	25,15,200	1,12,19,100	82,81,500	36,42,200	5,24,19,900	2,89,70,400	27,600	16,000	11,05,81,100
Add—													
Amount enfaced at Madras, as per Registers received up to date	.....	.....	.....	.....	.....	7,800	6,500	.....	.....	.....	.....	.....	14,300
Amount enfaced at Bombay, as per Registers received up to date	1,49,300	.....	.....	.....	.....	.....	.....	.....	1,000	21,100	.....	.....	1,71,400
Amount enfaced at Calcutta up to date .	1,90,200	.....	.....	.....	4,500	45,500	2,500	.....	1,90,300	2,12,000	.....	.....	6,45,000
Total ..	10,85,400	53,000	300	26,90,000	25,19,700	1,12,72,400	82,90,500	36,42,200	5,26,11,200	2,92,03,500	27,600	16,000	11,14,11,800
Deduct—													
Amount removed from the London Books, as per Registers received up to date..	.....	.....	.....	80,600	.....	.....	.....	.....	9,000	80,000	.....	.....	1,69,600
Total ..	10,85,400	53,000	300	26,09,400	25,19,700	1,12,72,400	82,90,500	36,42,200	5,26,02,200	2,91,23,500	27,600	16,000	11,12,42,200

FORT WILLIAM;
LOAN OFFICE,
The 10th October 1865.

R. P. HARRISON,
Acctt. Genl. to the Govt. of India.

Statement of Government Promissory Notes enfaced throughout India, for Payment of Interest in London, shewing the total amount outstanding up to 31st August 1865, according to the Registers received in this Office.

	4 per cent. transfer of 1865.	4 per cent. transfer of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent., Public Works, of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	TOTAL RUPEES.
Amount on which Interest is now payable in London ...	7,39,900	53,000	2,300	27,23,700	25,11,200	1,11,80,600	82,86,000	36,42,200	5,22,75,000	2,88,36,400	27,600	16,000	11,02,93,900

FORT WILLIAM;
LOAN OFFICE,
The 16th October 1865.

R. P. HARRISON,
Comptroller General of Accounts.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, NO. 186, OLD CHINA BAZAR.

DIRECTORS:

PUNDIT SOW CHUNDER, of Delhi, Banker.

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rowaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Farruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demand, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care either by the Railway, or by Steamers, or otherwise as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the undermentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

NOTICE

Is hereby given that Public Service Transfer Receipts on other Treasuries, excepting the Bank of Bengal at Calcutta, will bear a higher series of numbers from this, ending with No. 53550 and commencing with No. 54801.

FYZABAD TREASURY, *The 13th October* 1865. } T. N. WILSON, *Asst. Commissioner.*

THE *GAZETTE OF INDIA.*

Consequent upon the return of the Viceroy and Members of the Government of India to the Presidency, the publication of the *Gazette of India* at Simla will terminate on the 28th October. All communications, therefore, regarding subsequent issues of the *Gazette*, should be addressed to the Calcutta Office.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 43.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 28, 1865.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 11th October 1865.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

WHEREAS, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of irrigation, as should not exceed the rates which should be defined by an Act of Parliament of the Indian Legislature, and should not in any case charge any higher rates whatsoever. And whereas it is expedient to fix the rates which the said Company may charge for the said purpose, it is enacted as follows :—

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

2. This Act shall come into force on the first day of January 1866.

STATEMENT OF OBJECTS AND REASONS.

A supply of water from the Madras Irrigation and Canal Company's works on the river Toombudra being now desired for the use of the Town of Kurnool in the Madras Presidency, it has become necessary to fix the rates which that Company is authorized to charge for water generally, that is, for water supplied for purposes other than irrigation.

These rates, under the 27th Clause of the Company's contract, can only "be defined and sanctioned by an Act of Parliament of the Indian Legislature." A Bill for the purpose has therefore been prepared and forwarded by the Government of Madras to the Supreme Government, with a request that it may be introduced into the Council for making Laws and Regulations of the Viceroy and Governor General.

The rate which the Government of Madras considers proper as a maximum, and which has been accepted by the Agent and Manager of the Madras Irrigation and Canal Company, on behalf of the Company, is one Rupee per four hundred cubic yards of water.

The Draft Bill is framed upon this principle.

G. N. TAYLOR.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Simla, the 11th October 1865.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India, for the purpose of making Laws and Regulations :—

A Bill to amend Act No. II of 1865.

Preamble.

WHEREAS it is expedient to amend Act No. II of 1865 *(An Act to provide for the maintenance of the Rural Police in the territories under the Government of the Lieutenant Governor of the North-Western Provinces and elsewhere)*, it is enacted as follows :—

Power to the Collector to assess the proprietor where the latter has not made any or an insufficient assessment under Section 2 of Act No. II. of 1865.

1. If any proprietor of an estate, authorised by Section 2 of the said Act to make an assessment for the purposes of such Act, shall fail altogether to make such assessment, or shall assess under the said Section, a sum which the Collector of the District in which such estate is situate shall consider inadequate, it shall be lawful for such Collector to assess upon such estate for the purposes aforesaid, a sum payable yearly by the proprietor not exceeding the amount which might have been raised in each year under the said Section, minus 10 per cent. Such assessment shall be exclusive of the municipal cess or percentage mentioned in Section 6 of the said Act.

This Act to be construed with Act II of 1865.

2. This Act shall be read and taken as part of the said Act No. II of 1865.

Short title.

3. This Act shall be called "The Rural Police Act Amendment Act, 1866."

STATEMENT OF OBJECTS AND REASONS.

Act No. II of 1865, provides for the remuneration of the Village Police from two sources,—a "Municipal cess" collected over and above the Government Revenue, and an assessment rated upon the proprietor in reference to the number of houses upon his estate. For the latter, he is authorized to reimburse himself by levying a house tax under the Act. Both receipts on being collected by Government, are thrown into a common fund from which the Police charges are defrayed.

In case a proprietor should neglect to conclude an assessment on the houses on his estate, or should do so at an inadequate rate; or in case he should prefer to levy the Chowkeedaree dues under any other local custom which he may think it preferable to maintain, he is under the Act at liberty to do so. The imposition of the house tax is not obligatory on the proprietor; it is optional and discretionary, just as his assessment of rent on the fields of his estate is optional and discretionary with him.

But in case he neglects to make a proper assessment, he is not the less bound to contribute to Government the same sum as if he had made a full and proper assessment.

This, which was originally contemplated by the proposers of the measure, was omitted to be provided for in Act No. II of 1865, as finally passed, and the object of the present Bill is to supply the omission.

The Bill provides that in case a proprietor fails to assess and report a full assessment under Act No. II of 1865, he may nevertheless be called upon to pay the same amount which he would have been rated at, if he had made a full and proper assessment under the Act.

W. MUIR.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Dept. (Legislative).

HOME DEPARTMENT.

No. 3094.

Simla, the 24th October 1865.

Notifications.—The services of Mr. James Walter Tawney are placed at the disposal of the Chief Commissioner of the Central Provinces.

No. 3127.

The Reverend ~~C. E. Hadow~~ and the Reverend T. A. C. Firminger, of the Bengal Ecclesiastical Establishment, have each been granted by the Right Hon'ble the Secretary of State for India, an extension of leave for six months on sick certificate.

No. 3128.

Under the Rules applicable to Military Officers in Civil employ, Captain M. Proctor, District Superintendent of Police, Sultanpore, Oudh, has obtained one month's privilege leave from such date as he may avail himself of the same. This cancels Notification No. 520, dated 27th July last.

No. 3130.

The 25th October 1865.

Captain H. G. Austen, Topographical Surveyor, has obtained leave of absence on medical certificate for six months, from the 15th instant.

No. 3132.

The undermentioned Covenanted Civil Servants have been granted by the Right Hon'ble the Secretary of State for India, extensions of leave on sick certificate for the periods specified:—

Covenanted.

Mr. L. R. Tottenham	4	months.
„ H. W. Alexander	3	„
„ O. Toogood	6	„
„ E. D. Lockwood	4	„

The Secretary of State has also granted permission to the undermentioned Covenanted Civil Servants to return to their duty on the dates specified, without prejudice to their appointments:—

~~Mr. A. Shakespear, 28th October, *viâ* Marseilles.~~

Mr. H. J. Reynolds, 4th September.

No. 3166.

The following extract, para. 1, from a Despatch from the Secretary of State, No. 67, dated 8th September, is published for general information:—

With reference to my Despatch of the 30th of April 1864, No. 44, I have to acquaint you that the undermentioned gentlemen have been appointed Members of the Bengal Civil Service in the following order and to the Divisions of your Presidency placed against their names:—

Mr. George Emmanuel Low, North-West Provinces, Punjab and Oudh.

Mr. Henry Priestley, North-West Provinces, Punjab and Oudh.

Mr. William Edward Purser, North-West Provinces, Punjab and Oudh.

Mr. Herbert Blakey Finlay, North-West Provinces, Punjab and Oudh.

Mr. Thomas Ormerod Wilkinson, North-West Provinces, Punjab and Oudh.

Mr. Henry St. George Tucker, North-West Provinces, Punjab and Oudh.

Mr. George Toynbee, Bengal.

Mr. John Foster Stevens, Bengal.

Mr. Fortescue Willoughby Porter, North-West Provinces, Punjab and Oudh.

Mr. George Edward Knox, North-West Provinces, Punjab and Oudh.

Mr. George Robert Carlisle Williams, North-West Provinces, Punjab and Oudh.

Mr. William Thomas Martin, North-West Provinces, Punjab and Oudh.

Mr. William Thaine, North-West Provinces, Punjab and Oudh.

Mr. Anthony Patrick MacDonnell, Bengal.

Mr. John George Charles, Bengal.

Mr. Thomas Francis Harkness, North-West Provinces, Punjab and Oudh.

Mr. John Scobell Armstrong, Bengal.

Mr. William Blennerhassett, North-West Provinces, Punjab and Oudh.

Mr. Henry Pilkington Mulock, North-West Provinces, Punjab and Oudh.

Mr. William Benjamin Oldham, Bengal.

Mr. Spencer Faithorne Arthur Smith, North-West Provinces, Punjab and Oudh.

Mr. Alexander Robinson, North-West Provinces, Punjab and Oudh.

No. 3172.

Mr. A. P. Howell, Under-Secretary to the Government of India in the Home Department, has obtained three months' privilege leave with effect from the 5th proximo.

No. 3211.

Under Section 9 of Act I of 1849, the Governor General in Council is pleased to delegate authority to the Commissioners of Patna and Bhaugulpore to receive reports and to issue orders in cases coming under that Act.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 401.

Judicial.

Simla, the 24th October 1865.

Notification.—Under the provisions of Section 445 of Act. XXV. of 1861, the operation of the said Act is extended to the British Stations of Gwalior, Mhow, Neemuch, Nowgong, Nagode, and to the tract lying within the limits of the territory assigned to the British Government by the States of Rewah, Myhere, Nagode and Sohawal, for occupation by the Railway.

No. 2084.

General.

The 21st October 1865.

Notifications.—Dr. A. Young, Officiating Deputy Commissioner of Durriabad, availed himself on the forenoon of the 10th instant, of the preparatory leave granted him in G. O. No. 1858, dated 13th ultimo, making over charge of his Office to Mr. H. G. Ross, Assistant Commissioner of Lucknow, who will officiate as Deputy Commissioner of Durriabad, during the absence of Dr. Young or until further orders.

No. 2103.

The 23rd October 1865.

Lieutenant J. J. Blair, Assistant to the Governor General's Agent for Rajpootana, received charge of the Office of Assistant Superintendent, Thuggee and Dacoity in Rajpootana, from Lieutenant W. J. W. Muir, on the afternoon of the 28th ultimo.

Lieutenant W. J. W. Muir, Assistant to the Governor General's Agent for Rajpootana, assumed charge of the Office of Political Superintendent, Sirohi, and Magistrate of Aboo, on the forenoon of the 29th ultimo.

No. 2107.

Captain C. Coglan, of the Berar Revenue Survey, is allowed two months' leave from the 1st December 1865, for the purpose of appearing before the Committee of Examination for the Mahratta language in Bombay. The leave granted to Captain Coglan in G. O. No. 1888, dated 16th September, is cancelled.

No. 2109.

Lieutenant R. F. St. A. St. John, appointed in G. O. No. 1855, dated 12th ultimo, to be an Assistant Commissioner, 3rd Grade, in British Burmah, joined his appointment at Rangoon on the afternoon of the 30th September 1865.

No. 2111.

With reference to G. O. No. 2006, dated 7th instant, Lieutenant A. H. Eckford, Assistant Commissioner of Sultanpore, has obtained a further extension of his sick leave to the 1st November next, under the Rules applicable to Military Officers in Civil employ.

No. 2113.

Captain F. P. Luard, Officiating 2nd in Command of the 1st Corps, Central India Horse, is appointed to officiate as Assistant for Boundary Settlements in Western Malwa.

Captain J. S. Irvine is appointed to act as 2nd in Command of the 1st Corps, Central India Horse, as a temporary arrangement, until the return of Captain James from England.

No. 417.

REVENUE.

The 24th October 1865.

Notification.—The following Schedule of Articles liable to Octroi Duty in the City and Cantonment of Fyzabad and the town of Ajoodhya, and of the rates at which the said duty shall be levied, is published for general information :—

Octroi Schedule.

General heading.	Description of Goods under each heading.	Rate of Duty. Rs.	As.	P.	REMARKS.
Building materials	Timber	5	0	0	Per cent. on value.
	Bamboos	3	0	0	Ditto.
	Brick of all sorts	1	8	0	Ditto.
	Tiles of all sorts	1	8	0	Ditto.
	Marble and Stones	3	0	0	Ditto.
	Grain of all kinds	1	8	0	Per cent.
Chaff, Bhoosa and Straw ...	Carts laden	0	1	0	Per Bullock.
	Per Camel and Buffaloe	0	0	9	Each.
	Bullock	0	0	6	Ditto.
	Boat	0	0	2	Per maund.
Cattle imported for use or sold within City limits ...	Elephant and Camel	4	0	0	Per cent. on value.
	Horse, Bullocks, Buffaloes and Cows ...	3	0	0	Ditto.
	Sheep, Goats and Asses	1	0	0	Ditto.
	Poultry	1	0	0	Ditto.
	Liquors	1	8	0	Ditto.
	Foreign Teas, Coffee and Tobacco ...	1	8	0	Ditto.
English Articles ...	Oilman's Stores	1	8	0	Ditto.
	Hardware, including Iron-mongery, Fire-arms and Weapons	1	8	0	Ditto.
	Glass, Crockery, Porcelain, and all fancy and ornamental articles	1	8	0	Per cent.
	Saddlery, Stationery, including books at original prices, and Perfumery	1	8	0	Ditto.
	Carriages of all sorts	1	8	0	Ditto.
	Furniture, including all Musical Instruments	1	8	0	Ditto.
	Machinery	1	8	0	Ditto.
Fabrics... ...	European Piece Goods, including Haberdashery, Linen, Cloth, Cambric, &c., in the piece and made up	2	0	0	Ditto.
	Native manufactured Cotton Goods, and Muslins	2	0	0	Ditto.

Octroi Schedule,—concluded.

General heading.	Description of Goods under each heading.	Rate of Duty. Rs.	A.	P.	REMARKS.
Fabrics—*(contd.)*	Blankets and Woollen Cloth	2	0	0	Per cent.
	Flowered Silk (native) and Brocades, Woollen Scarfs, Shawls, Silks and Kinkhabs	5	0	0	Ditto.
	Cotton and Silk Threads and Raw Silk ...	1	8	0	Ditto.
	Carpetting and Matting	3	0	0	Ditto.
Fuel	Wood and Charcoal	1	8	0	Ditto.
	Ghee, Oil, Goor and Sugar	3	0	0	Ditto.
	Ivory	3	0	0	Ditto.
	Stick Lac of sorts	5	0	0	Ditto.
Leather ..	Sable and Ermine Skins	5	0	0	Ditto.
	Hides, including all other skins; also Horns and Tips	3	8	0	Ditto.
	Boots and Shoes	1	8	0	Ditto.
	Metals and Minerals including Kunkur ...	3	0	0	Ditto.
Paper ...	Country and Bamboo	2	0	0	Ditto.
	Pawn per load 2-Bullock Carts	3	0	0	Per cent. on value.
	Perfumery (country)	5	0	0	Per cent.
	Precipus Stones on sale	3	0	0	Ditto.
	Jewellery of all kinds, including Clocks, Watches, and all Gold and Silver articles	1	8	0	Ditto.
Salt . .	Saltpetre	5	0	0	Ditto.
	Spices, Drugs, Wax, Country Soap, Dyes, and Dried Fruit, &c.	3	0	0	Ditto.
	Country Teas and Tobacco	3	0	0	Ditto.
	Tinsel and *Kundela* (Silver Thread) ...	3	0	0	Ditto.
	Betelnut	2	0	0	Ditto.
	Churees of sorts	3	0	0	Ditto.

A. COLVIN,

Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3091.

Simla, the 21st October 1865.

Notification.—In continuation of the Notification No. 1039, dated the 27th June 1865, issued from this Department, the following Statement shewing the financial position of the several Guaranteed Railway Companies, quoad the Government, is published for general information :—

State of the Capital Accounts of the Indian Railway Companies on the 30th April 1865.

	Amounts authorized to be raised.			Amounts paid by the Railway Companies.					Amount withdrawn by the Railway Companies.			Balance standing to the credit of the Railway Companies.	Amount advanced to the Railway Companies, in excess of the amount to their credit.
	Capital.	Debenture Loans.	Total.	Capital subscribed in England.	Capital subscribed in India.	Total Capital.	Debenture Loans.	Total.	In England.	In India.	Total.		
	£	£	£	£	£	£	£	£	£	£	£	£	£
East Indian:													
Main Line Capital	17,969,681	5,980,319	23,950,000	15,738,037	276,331	16,014,368	5,968,219	21,982,587	6,883,586	15,016,232	21,899,818	1,014,883	
Jubbulpore Capital	2,000,000	.. ..	2,000,000	1,952,165	7,665	1,959,830	. ...	1,959,830	158,301	869,415	1,027,716		
Madras:													
Madras Line Capital	3,709,000	1,548,800	5,257,800	3,471,128	.....	3,471,128	1,524,750	4,995,878	2,873,578	3,556,239	6,429,817	422,671	
Bellary Capital	3,000,000	.. ...	3,000,000	2,626,734	. .	2,626,734	... ...	2,626,734	... .	770,124	770,124		
Great Indian Peninsula	11,000,000	3,000,000	14,000,000	9,670,325	415,232	10,085,557	2,320,000	12,405,557	4,315,053	8,017,652	12,332,705	72,852	
Sind:													
Sind Railway Capital	1,663,400	336,600	2,000,000	1,620,015	21,695	1,641,710	336,600	1,978,310	809,598	1,128,722	1,938,320	39,990	
Indus Flotilla Capital	545,100	82,900	628,000	250,005	.....	250,005	82,900	332,905	245,616	101,806	347,422	... ...	14,517
Punjab:													
Mooltan Capital	1,500,000	500,000	2,000,000	1,465,813	8,404	1,474,217	500,000	1,974,217	985,953	1,184,346	2,170,299	.. ...	196,082
Delhi Capital	2,500,000	... ...	2,500,000	1,042,187	5,312	1,047,499	... ...	1,047,499	9,561	92,150	101,711	945,788	
Bombay, Baroda, and Central India ..	4,150,000	1,350,000	5,500,000	4,078,487	21,662	4,100,149	1,305,245	5,405,394	2,135,520	3,252,306	5,387,826	17,568	
Eastern Bengal	1,000,000	600,000	1,600,000	990,745	9,504	1,000,249	600,000	1,600,294	785,043	825,387	1,610,430	... ...	10,181
Calcutta and South-Eastern	310,000	190,000	500,000	290,377	19,623	310,000	144,000	454,000	192,023	270,188	462,206	... ...	8,206
Great Southern of India	866,300	299,300	1,165,600	634,679	1,221	635,900	249,600	885,500	398,960	416,347	815,307	70,193	
Total .	50,213,481	13,887,919	64,101,400	43,830,697	786,649	44,617,346	13,031,314	57,648,660	19,792,792	35,500,909	55,293,701	2,583,945	228,986

Net Balance standing to the credit of the Railway Companies £2,354,959.

No. 3139.

The 25th October 1865.

Notification.—Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion reserve, and Government Securities held by the Department of Issue of Paper Currency :—

Date of Returns.	Circles of Issue.	Notes in circulation.	Silver Coin reserve.	Gold Coin reserve.	Silver Bullion reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1865.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sept. 30th	Calcutta Circle	3,25,02,230	60,83,221	10,78,420	86,00,000	1,54,70,019	12,70,570
Ditto ..	Allahabad Branch Circle	31,59,950	20,55,959	700	....	11,03,291	
Ditto ...	Lahore ditto ditto	39,81,180	32,81,143	.....	.....	7,00,037	
Ditto ...	Nagpore ditto ditto	33,11,990	27,64,109	....	.....	5,47,881	
Ditto ..	Madras Circle	56,00,000	21,52,155	.....	... .	30,02,845	4,45,000
Ditto ..	Calicut Branch Circle	6,72,860	5,72,860	.....	.....	1,00,059	
Ditto ...	Trichinopoly ditto ditto	4,67,350	3,67,330	20	.....	1,00,059	
Ditto .	Vizagapatam ditto ditto	3,96,910	2,96,910	.. ..	.....	1,00,059	
Ditto ...	Bombay Circle	3,93,00,000	1,54,51,718	.....	39,70,000	1,86,78,282	12,00,000
	Kurrachee Branch Circle... ...	21,93,350	21,93,350	.. ...	.. ...	... .	
		9,15,85,820	.... .	....	.....	.....	29,15,570
	DEDUCT— Notes of other Circles cashed at Calcutta, Madras, and Bombay	29,15,570					
	Total	8,86,70,250	3,52,18,755	10,79,140	1,25,70,000	3,98,02,532	

CALCUTTA;
DEPT. OF ISSUE OF PAPER CURRENCY,
The 9th October 1865.

(Signed) H. HYDE,
Head Commissioner of Paper Currency.

Published by Order of the Governor General in Council,

E. H. LUSHINGTON,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 23rd October 1865.

No. 965 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Alexander David Cator Inglis, of the late 18th Regiment, Native Infantry, Adjutant, 45th (Rattray's Sikhs) Regiment of Native Infantry.	For fifteen months, under the new Regulations.

No. 966 *of* 1865.—The undermentioned Officer having completed the prescribed period of service, as Major and Brevet Lieutenant-Colonel and as Lieutenant-Colonel, to be Colonel in the Army from the date specified opposite to his name, subject to the approval of Her Majesty :—

BREVET.

To be Colonel in the Army.

Lieutenant-Colonel Richard Hamilton, Madras Staff Corps.	11th January 1864.

No. 967 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

4th Sikh Infantry.

Surgeon A. C. C. DeRenzy, B. A., to the medical charge, on arrival of that regiment at Mooltan, in room of Assistant Surgeon R. Mantell, M. B., whose services are placed at the disposal of His Excellency the Commander-in-Chief for nomination to another regiment.

No. 968 *of* 1865.—Hospital Steward John Considine, of the Subordinate Medical Department, is advanced to the grade of Senior Steward, under the operation of the rule published in G. G. O. No. 1372 of the 4th November 1856, from the 27th September 1865, *vice* Senior Steward A. Gibson, transferred to the pension Establishment.

No. 969 *of* 1865.—Kote Duffadar Rahmet Khan, of the 7th Regiment, Bengal Cavalry, is promoted to the rank of Jemadar from the 26th April 1865, *vice* Meer Ahmud Ali, promoted.

No. 970 *of* 1865.—The services of Surgeon J. E. Tuson, M. D., F. R. C. S., in medical charge of the 1st Punjab Infantry, are placed at the disposal of the Commander-in-Chief for employment under His Excellency, with effect from the 1st January next.

No. 971 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps or Dept.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Medical Dept....	Assistant Surgeon Nathaniel James Grant	Surgeon...	14th June 1865	Surgeon Major C. F. Warneford, M. D., retired.
Ditto ...	Assistant Surgeon Marcus William Mott, M. D.	Ditto ...	25th July 1865	Surgeon Major F. Douglas, M. D., retired.
Ditto ...	Assistant Surgeon Joseph Ewart, M. D.	Ditto ...	27th July 1865	Surgeon Major J. H. Littler, M. D., retired.

No. 972 *of* 1865.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

PROMOTIONS.

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Late 5th European Light Cavalry	Lieutenant Henry Montagu Buller	Captain ...	18th July 1865 ...	Captain H. C. Sitwell transferred to the 88th Foot.
Late 1st European Light Cavalry	Lieutenant Robert Morris ...	Ditto ..	8th August 1865 ..	Captain (Brevet Major) Sir John Hill, Bart., 19th Hussars, exchanged to 17th Lancers.
Bengal Cavalry ...	Supernumerary Lieutenant-Colonel (Major General) Francis Wheler, C. B.	Colonel ...	22nd August 1865 ...	Colonel (Lieutenant General) H. F. Salter, C. B., deceased.
Late 59th Native Infantry	Lieutenant (Brevet Captain) William Siddons Young	Captain ...	19th September 1865	Captain (Major in the Staff Corps) R. G. Mayne, deceased.
Late 43rd Native Infantry	Lieutenant (Captain in the Staff Corps) Charles Ward Hawes	Ditto ...	20th September 1865	Captain (Brevet Major) T. E. B. Loes, Staff Corps, deceased.
Late 4th European Light Cavalry	Captain (Brevet Major) Ernest Augustus Murray Macgregor	Major ...	23rd September 1865	Major J. H. Balmain, retired.
	Lieutenant George Alexander Papendieck Arbuthnot	Captain ...		

ALTERATIONS OF RANK.

Corps	Rank and Names.	To rank from.	In succession to.
Late 5th European Light Cavalry	Captain Arthur William Capel ...	25th April 1865..	Captain Sir C. W. A. Oakeley, Bart., retired.
	Captain Henry Alexander Shakespear..	11th July 1865...	Captain S. Boulderson, transferred to 18th Foot.

No. 973 *of* 1865.—With reference to G. G. O. No. 165 of the 2nd March 1863, the name of the undermentioned Officer who retired from the service under the annuity scheme of 1861, is removed from the list of regimental Lieutenant-Colonels of Infantry :—

Rank and Name.	Remarks.
Lieut.-Col. (Lieutenant General, Retired List) Sir Richard James Holwell Birch, K. C. B.	By death of Colonel (Major General) St. George Daniell Showers, C. B., Bengal Infantry.

No. 974 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain John Frederick Adolphus McNair, Royal (Madras) Artillery, Executive Engineer, 1st Class, and Superintendent of Convicts, Singapore.	For twenty months, under the new Regulations.

No. 975 *of* 1865.—The following paragraph of a military letter from the Right Hon'ble the Secretary of State for India, is published for general information :—

Para. 1.—With reference to my Despatch No. 127 of the 15th April 1865, I have to acquaint you that the following Candidates for the Indian Medical Service, having completed the course of instruction at the Army Medical School, and having been reported qualified, have been appointed Assistant Surgeons on the Bengal Establishment, their Commissions as such bearing date 31st March 1865, *viz.* :—

Kenneth McLeod, M. D.
James Cleghorn, M. D.
Robert Harvey, M. B.
Robert Reid.
Benjamin Knowles, M. B.
Andrew Skeen, M. B.
John Bennett, M. D.
Robert Bremner Thomson, M. D.
James Robertson McIver, M. D.
Samuel Duckering.
James Kelly.
Lionel Dixon Spencer, M. D.

Messrs. Cleghorn, Harvey and Bennett have already proceeded to Calcutta, as was intimated to you in my Despatch above referred to. The other gentlemen have received instructions to embark for India within two months from the 7th August.

No. 976 *of* 1865.—Under instructions from the Right Hon'ble the Secretary of State for India, it is ruled that the grant of passage and passage money to Veterinary Surgeons of the Indian Army returning to Europe on medical certificate, is to be regulated on the principle applicable to combatant Officers, *viz.*, when Veterinary Surgeons of the Indian Forces are in receipt of allowances as Lieutenants, they will be entitled to passage money when returning to Europe on medical certificate, but not when they are in receipt of the allowance of a higher rank than that of Lieutenant.

If proceeding on duty, the passage allowance to Veterinary Surgeons of the Indian Forces generally, will be regulated according to their relative rank.

The 24th October 1865.

No. 977 *of* 1865.—The leave of absence on medical certificate, granted to Captain W. W. Aubert, 2nd Examiner, Pay Department, in G. G. O. No. 360 of the 4th April last, is extended to the 1st December 1865, on the same account.

No. 978 *of* 1865.—The undermentioned soldier of Her Majesty's service, is permitted to reside and draw his pay in India, as an out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home authorities as to the amount of his pension :—

Gunner Thomas Sexton, E. Battery, 19th Brigade, Royal Artillery.

No. 979 *of* 1865.—That portion of G. G. O. No. 819 of the 25th August last, which appointed Assistant Surgeon H. Cayley to the medical charge of the 2nd Punjab Cavalry, is cancelled, and Assistant Surgeon Cayley will remain in joint medical charge of Simla until relieved by his successor.

No. 980 *of* 1865.—Surgeon Major J. P. Walker, M. D., Secretary to the Sanitary Commission for Bengal, is allowed leave of absence from the 1st November 1865 to the 31st March 1866, to remain at Simla on private affairs.

No. 981 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Late 47th Native Infantry	Captain (Brevet Lieutenant Colonel) William Claye Watson	Major ...	21st September 1865.	Major (Lieutenant Colonel in the Staff Corps) R. Campbell, removed from the service.
	Lieutenant (Brevet Captain) Henry Robert Brown Worsley	Captain ..		

No. 982 *of* 1865.—The following promotion by Brevet is made under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval:—

BREVET.

Corps.	Rank and Name.	Date from which entitled to the rank of Major.
	To be Major.	
Bengal Staff Corps...	Captain Hungerford Meyer Boddam	9th June 1863.

No. 983 *of* 1865.—The following promotions are made in the Warrant Grades:—

Ordnance Commissariat Department.

Sub-Conductor (Officiating Conductor) Robert Bradshaw, to be Conductor from the 26th September 1865, *vice* Walker, admitted to pension.

Sub-Conductor George White, to officiate as Conductor, *vice* Bradshaw, and in room of Wilkins, on furlough to Europe.

No. 984 *of* 1865.—The undermentioned Officers have reported their return from England:—

	Date of arrival at Fort William.
Surgeon Major C. L. Cox, A. B. and F. R. C. S., of the Medical Department.	15th October 1865.
Captain A. Cory, late 16th Regiment, Native Infantry.	

No. 985 *of* 1865.—The undermentioned Non-Commissioned Officer of the Lahore Light Horse, is admitted to pension as specified opposite to his name:—

Corporal Edwin Baillie, Rs. 14-14-6 per mensem.

The 25th October 1865.

No. 986 *of* 1865.—In continuation of G. G. O. No. 631 of the 3rd August 1864, the Right Hon'ble the Governor General in Council is pleased to decide that a volunteer shall, for all purposes, be entitled to be deemed an effective volunteer if he obtains a certificate that he has fulfilled the requirements, and possesses the qualifications stated in such one of the annexed Forms of Certificates taken from the Regulations for the Volunteer Force in Great Britain, as may be applicable in his case, and not otherwise.

2. Every such certificate shall be signed by the Adjutant and the Commanding Officer of the Corps, and shall be prepared annually as soon as possible after the 31st December, and bear that date; and the name of no Member of the Corps shall be entered in the nominal Roll ordered in G. G. O. No. 631 of 1864, to be forwarded to the Pay Examiner at the Presidency, who is not entitled to receive such certificate.

3. The term "recruit" used upon the annexed Forms of Certificate, means a volunteer who has never been returned as an efficient volunteer in the annual Return of his Corps, but it does not include a volunteer who has passed his drill in the Line or Militia, in the branch of the service to which the Corps he has joined belongs.

FORM A.

For Light Horse Volunteer Corps.

We hereby certify—

1. That A B , No. , was enrolled in the Light Horse Volunteer Corps, on the 18 .

2. That he is provided with an efficient horse and horse furniture for the service.

3. That he attended during the twelve months ending 31st December 18 , *(a)* drills ordered by the Commanding Officer.

4. That he rides well, and possesses a competent knowledge of the Cavalry Sword Exercise, and Dismounted and Mounted Troop and Squadron Drill, as laid down in the Cavalry Regulations.

5. That he was present at the last Annual Inspection of the Corps.*

_____ *Commanding Officer.*

_____ *Adjutant.*

HEAD QUARTERS, _____

The 31*st December* 18 .

(a.)—For recruits, 16 Squad or Troop Drills.

For others, 6 Squad or Troop Drills,—3 of which have been Drills of the whole Corps.

FORM B.

For Artillery Volunteer Corps.

We hereby certify—

1. That A B , No. , was enrolled in the Artillery Volunteer Corps, on the 18 .

2. That he attended during the twelve months ending the 31st December 18 , *(a)* drills ordered by the Commanding Officer.

3. That he possesses a competent knowledge of Squad and Company Drill (including the Manual and Platoon Exercises), *(b)* and also of Gun Drill.

4. That he attended the Gun practice of his Battery, and possesses a competent knowledge of the general duties of a Gunner.

5. That he was present at the last Annual Inspection of the Corps.*

_____ *Commanding Officer.*

_____ *Adjutant.*

HEAD QUARTERS, _____

The 31*st December* 18 .

(a.)—For recruits, 30 Drills,—of which 24 Gun Drills. For others, 12 Gun Drills.

(b.)—Required only from Corps that are armed with the Artillery Carbine.

FORM C.

For Engineer Volunteer Corps.

We hereby certify—

1. That A B , No. , was enrolled in the Engineer Volunteer Corps, on the 18 .

2. That he attended during the twelve months ending the 31st December 18 , *(a)* drills ordered by the Commanding Officer.

3. That he possesses a competent knowledge of Squad and Company Drill, including the Manual and Platoon Exercises, as laid down in the Field Exercises of Infantry.

4. That he possesses a competent knowledge of the Musketry Drill laid down in the Musketry Regulations for the Army.

5. That he has been properly instructed in sapping, mining, and the mode of making gabions and fascines.

6. That he was present at the last Annual Inspection of the Corps.*

_____ *Commanding Officer.*

_____ *Adjutant.*

HEAD QUARTERS, _____

The 31*st December* 18 .

(a).—For recruits, 30 Drills. For others, 9 Drills.

FORM D.

For Mounted Rifle Volunteer Corps.

We hereby certify—

1. That A B , No. , was enrolled in the Mounted Rifle Volunteer Corps, on the 18 .

2. That he is provided with an efficient horse with horse furniture for the service.

3. That he attended during the twelve months ending the 31st December 18 , *(a)* drills ordered by the Commanding Officer.

4. That he rides well, and possesses a competent knowledge of Dismounted, Squad and Company Drill including the Manual and Platoon Exercises, and of Mounted Drill including Skirmishing and Sword Exercise, as laid down in the manual for the drill of Mounted Rifle Volunteers.

5. That he was present at the last Annua Inspection of the Corps.*

_____ *Commanding Officer*

_____ *Adjutant.*

HEAD QUARTERS, _____

The 31*st December* 18 .

(a).—For recruits, 16 Drills. For others, 6 Drills,—3 of which have been Drills of the whole Corps.

FORM E.

For Rifle Volunteer Corps, having the Establishment of a Battalion.

We hereby certify—

1. That A B , No. , was enrolled in the Rifle Volunteer Corps, on the 18 .

2. That he attended during the twelve months ending the 31st December 18 , *(a)* drills ordered by the Commanding Officer.

3. That he possesses a competent knowledge of Squad and Company Drill, including the Manual and Platoon Exercises and Skirmishing as a Company, as laid down in the Field Exercises of Infantry.

4. That he possesses a competent knowledge of the preliminary Musketry Drill laid down in the Musketry Regulations for the Army.

5. That he was present at the last Annual Inspection of the Corps.*

_____ *Commanding Officer.*

_____ *Adjutant.*

HEAD QUARTERS, _____

The 31*st December* 18 .

(a.)—For recruits, 30 Squad, Company or Battalion Drills, or instruction in Musketry.

For others, 9 Drills,—of which 6 Battalion and 3 Company Drills.

FORM F.

For Rifle Volunteer Corps, having an Establishment less than that of a Battalion.

We hereby certify—

1. That A B , No. , was enrolled in the Rifle Volunteer Corps, on the 18 .

2. That he attended during the twelve months ending the 31st December 18 , *(a)* drills ordered by the Commanding Officer.

3. That he possesses a competent knowledge of Squad and Company Drill including the Manual and Platoon Exercises and Skirmishing as a Company, as laid down in the Field Exercises of Infantry.

4. That he possesses a competent knowledge of the preliminary Musketry Drill laid down in the Musketry Regulations for the Army.

5. That he was present at the last Annual Inspection of the Corps.*

Commanding Officer.

Adjutant.

HEAD QUARTERS, ——

The 31st December 18 .

(a).—For recruits, 30 Squad or Company Drills, or instruction in Musketry.

For others, 9 Drills,—3 of which have been Drills of the whole Corps.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 372.

ESTABLISHMENT.

Simla, the 20th October 1865.

Notifications.—In supersession of Notification No. 204 of the 1st May 1865, leave of absence on private affairs and without pay, is granted to Sergeant W. Scott, Overseer, 1st Grade, Oudh, from the 20th April 1865 to 8th August 1865.

No. 373.

Captain J. M. Williams, late 1st Madras European Fusiliers, Executive Engineer, 2nd Grade, Public Works Department, British Burmah, is promoted to the rank of Executive Engineer, 1st Grade, and appointed to officiate as Assistant to the Chief Engineer and Officiating Assistant Secretary to the Chief Commissioner of British Burmah, with the powers of a Superintendent of Works.

No. 374.

Lieutenant F. Firebrace, R. E., is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade and posted to the North-Western Provinces, with effect from the 15th May 1865.

No. 375.

Sergeant P. Conway, Overseer, 1st Grade, Public Works Department, Oudh, is allowed leave of absence on medical certificate, from the 22nd September to the 31st October 1865, in extension of the six months' leave granted to him in Public Works Department Notification No. 156, dated 6th May 1865.

* If absent, it must be so stated, and also whether with the leave of the Commanding Officer, or through sickness, duly certified.

No. 376.

The 21st October 1865.

Mr. J. D'Souza, temporary Overseer of the 3rd Grade, is permanently appointed to the Public Works Department in that grade for special service in the Straits Settlement.

No. 377.

The undermentioned Upper Subordinates are transferred from the Punjab to Rajpootana:—

Conductor Q. S. Griffiths, Overseer, 1st Grade.

Sergeant E. Burke, Overseer, 1st Grade.

No. 378.

The 23rd October 1865.

Mr. W. Scott, C. E., Assistant Engineer, 3rd Grade, Public Works Department, Central Provinces, is transferred from the Upper Godavery to the Southern Road Division.

No. 379.

The 25th October 1865.

Corporal J. Telford, of the Madras Sappers and Miners, Overseer, 1st Grade, Public Works Department, Mysore, is removed from the Public Works Department and his services are replaced at the disposal of the Government of Madras.

No. 380.

His Excellency the Governor General in Council is pleased to make the following promotions in the Public Works Department of the Local Administrations, with effect from the 1st October 1865:—

ENGINEER ESTABLISHMENT.

To be Executive Engineers, 1st Grade.

Falconnett, Captain G. P. de P., R. E., Executive Engineer, 2nd Grade, Rajpootana.

Lang, Captain A. M., R. E., Executive Engineer, 2nd Grade, Oudh.

To be Executive Engineers, 2nd Grade.

O'Donnell, Mr. J. W., Executive Engineer, 3rd Grade, Central Provinces.

Hills, Captain J., R. E., Executive Engineer, 3rd Grade, Rajpootana.

To be Executive Engineers, 3rd Grade.

Bennett, Mr. J., Executive Engineer, 4th Grade, Straits Settlement.

Darrah, Captain H. Z., S. C., Executive Engineer, 4th Grade, British Burmah.

Faber, Captain H. R., R. E., Executive Engineer, 4th Grade, Central Provinces.

Francis, Captain A., M. S. C., Executive Engineer, 4th Grade, Rajpootana.

Puckle, Captain H. G., M. S. C., Executive Engineer, 4th Grade, Central Provinces.

To be Executive Engineers, 4th Grade.

Angelo, Lieutenant R. F., late 41st Native Infantry, Assistant Engineer, 1st Grade, Central Provinces.

James, Mr. J., Assistant Engineer, 1st Grade, British Burmah.

To be Assistant Engineers, 1st Grade.

Clarke, Lieutenant S. C., R. E., Assistant Engineer, 2nd Grade, Mysore.

Clarke, Lieutenant H. C. W., R. E., Assistant Engineer, 2nd Grade, Central Provinces.

Clementson, Mr. E. W., Assistant Engineer, 2nd Grade, British Burmah.

Cumming, Lieutenant W. G., R. E., Assistant Engineer, 2nd Grade, British Burmah.

Dobbs, Mr. R. S., Assistant Engineer, 2nd Grade, Mysore.

Engledue, Lieutenant W. J., R. E., Assistant Engineer, 2nd Grade, Oudh.

Fraser, Lieutenant A. T., R. E., Assistant Engineer, 2nd Grade, Hyderabad.

Goldie, Lieutenant B. J., R. E., Assistant Engineer, 2nd Grade, Central Provinces.

Gordon, Mr. R., C. E., Assistant Engineer, 2nd Grade, British Burmah.

Griffith, Captain A. S., B. S. C., Assistant Engineer, 2nd Grade, Rajpootana.

Rhind, Mr. R. H., C. E., Assistant Engineer, 2nd Grade, Central Provinces.

Tomkins, Lieutenant W. P., R. E., Assistant Engineer, 2nd Grade, British Burmah.

UPPER SUBORDINATE ESTABLISHMENT.

To be Supervisor, 1st Grade.

Kemp, Mr. J., Supervisor, 2nd Grade, Mysore.

To be Supervisor, 2nd Grade.

Hurst, Sergeant J., Overseer, 1st Grade, Rajpootana.

To be Overseer, 1st Grade.

Keshore, Balkrishna, Overseer, 2nd Grade, Central Provinces.

To be Overseer, 2nd Grade.

Redmond, Mr. J., Overseer, 3rd Grade, Central Provinces.

ACCOUNTS DEPARTMENT.

To be Controller, 3rd Class, 1st Grade.

Smith, Major F. N., M. S. C., Controller, 3rd Class, 2nd Grade, Mysore.

To be Accountant, 1st Grade.

Newman, Mr. W., Accountant, 2nd Grade, Accountant General's Office.

To be Accountant, 3rd Grade.

Sircar, Gour Mohun, Accountant, 4th Grade, Central Provinces.

Ricks, Mr. C., Accountant, 4th Grade, Central Provinces.

No. 381.

Conductor C. B. Goode, Sub-Engineer, 2nd Grade, Public Works Department, Oudh, is removed from the Department, with effect from the 5th instant, and his services placed at the disposal of the Military Department.

No. 382.

The 26th October 1865.

Major E. A. Saunders, M. S. C., Executive Engineer, 4th Grade, Central Provinces, is transferred to Hyderabad.

No. 383.

Sergeant J. Mitchell, of the Madras Army, Overseer, 1st Grade, Public Works Department, Mysore, is removed from the Public Works Department, and his services are replaced at the disposal of the Government of Madras.

No. 384.

In continuation of Notification No. 380 of the 24th instant, Mr. R. White, Accountant, 3rd Grade, British Burmah, is promoted to Accountant, 2nd Grade, with effect from the 1st October 1865.

No. 385.

In continuation of Public Works Department Notification No. 380, dated 24th October 1865, Baboo Rakhal Doss Roy, Overseer, 3rd Grade, Public Works Department, British Burmah, is promoted to the rank of Overseer, 2nd Grade, with effect from the 1st October 1865.

No. 386.

Mr. H. Bolton is re-appointed to the Public Works Department as a Supervisor of the 1st Grade and posted to Oudh.

No. 387.

With reference to Public Works Department Notification No. 92, dated 17th March 1865, Lieutenant G. S. Hills, R. E., is permanently appointed to the Public Works Department as an Executive Engineer of the 4th Grade and posted to Bengal.

C. H. DICKENS, *Lieut.-Col.*, R. A

Secy. to the Govt. of India.

NOTICE.

WHEREAS it appears to His Excellency the Governor General in Council that land is required to be taken up by Government, at the public expense for a public purpose, *viz.*, for the Armstrong Gun Range and a Road from Bunnee to Poorwah, it is hereby notified that land to the extent and in the villages noted below, is required for the said purposes.

2. This declaration is made under Section 2, Act VI. of 1857 :—

District.	Village.	Quantity of land required.			REMARKS.
		A.	R.	P.	
Oonao ...	Surrai Jogah ..	155	0	10	For the Armstrong Range.
	Kantha ...	243	2	20	Ditto.
	Beekamow	107	3	5	Ditto.
	Suhrawan	29	0	30	Ditto.
	Koosharee	79	0	5	Ditto.
	Mahnowra	108	1	0	Ditto.
	Suhrawan	9	3	5	For Road from Bunnee to Poorwah.

OONAO;
The 7th October 1865.

A. M. LANG, *Captain*, R. E.
Assistant Secretary to Chief Commissioner.

ADVERTISEMENTS.

NOTICE.

AN Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rupees 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

Department of Issue of Paper Currency, Calcutta Mint.

THE following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees 1,47,920
Lahore ditto ditto 4,940

H. HYDE,
The 21st October 1865. *Head Commissioner.*

LOST OR STOLEN.

A Government Promissory Note No. 8186 of 1842-43, dated 1st February 1843, of 4 per cent. Loan, for Rs. 500 (five hundred), payment of which has been stopped; as also a large bundle of testimonials. Any person giving such information as will lead to the recovery of the above, will be handsomely rewarded by the undersigned or his constituent.

SHAMA CHURN CHATTERJEE.

By his constituent, SIB CHUNDER MULLICK.

Nos. 1 *and* 2, *Amratollah Lane, Calcutta.*

NOTIFICATION.

IN order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 11th Oct. 1865.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, NO. 186, OLD CHINA BAZAR.

DIRECTORS:

PUNDIT SOW CHUNDER, of Delhi, Banker.

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furruckabad and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furruckabad, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demand, if not less than Rs 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care either by the Railway, or by Steamers, or otherwise as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the undermentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,

Managing Director and Secretary.

No. 83.

NOTIFICATION.

Lost, Stolen, or Destroyed.

THE undermentioned Government Promissory Note deposited in the Treasure Chest of the late Cawnpore Executive Commissariat Officer of this Division (Deputy Assistant Commissary General late Captain W. W. Williamson), on the outbreak of the Mutiny in the month of June 1857, by Sewbux Roy and Bissennoth, late Contractors, is not forthcoming. The Note was endorsed in favor of the Executive Commissariat Officer, Cawnpore, by the depositors, and has never been endorsed by him to any other party. Payment of this Note and of interest thereupon, have been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Executive Commissariat Officer, Cawnpore:—

No. 13589 of 48921 of 1841-42 (transferred to No. 7260 of 1854-55) of 5 per cent., for Rs. 1,000.

2. This Office Notification No. 56 of 18th February last, published in *Gazette of India*, 4th March 1865, is hereby cancelled.

S. CHALMERS, *Captain,*

Depy. Asst. Commissary General.

EX. COMMISSARIAT OFFICE;
CAWNPORE,
The 14*th October* 1865.

Just published.—Price Five Rupees.

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No. 44.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 4, 1865.

HOME DEPARTMENT.

No. 4092.

Fort William, the 1st November 1865.

NOTIFICATIONS.

The following Statement of the number of Furloughs available in the season 1865-66 for the Members of the Bengal Civil Service is published for general information :—

Number of servants absent on Furlough on this date	42
Deduct lapses by expiry	6
	36
Furloughs available	20
Total (being 10 per cent. of the whole number of Civil Servants on the Bengal Establishment)	56

1. Colin Lindsay, for 3 years.
2. Henry Anthony Harrison, for 3 years.
3. George Augustus Pepper, for 3 years.
4. William Henry Henderson, for 3 years.
5. Henry Bruce Simson, for 3 years.
6. Arthur Brandreth, for 2 years.
7. Wilmot Lane, for 2 years.
8. Frederick R. Hogg, for 1 year.

Furloughs have been allotted to eight applicants as per margin.

Names of Furlough holders.	*Date of expiry.*
1. Charles Edward Chapman	...24th Dec. 1865.
2. Wilton Oldham ...	... 4th Mar. 1866.
3. William John Rivett Carnac	...11th „ „
4. James Vans-Agnew ...	...23rd „ „
5. Alexander Wood Russell	... 4th April „
6. Alfred Lisle March Phillipps	...10th „ „
7. George Lukis Lang ...	...25th „ „
8. Robert George Currie ...	...25th „ „
9. Henry Edmund Perkins ...	.. 25th „ „
10. Herbert Hankey	...25th „ „
11. John Berney Worgan	... 5th May „
12. Charles Alfred Elliott	...14th „ „
13. Henry Wodehouse Dashwood	... 4th June „
14. Reginald Floyer Saunders	... 9th July „
15. John Petty Hamilton Ward	...24th Aug. „
16. Henry Minchin Chase	...11th Oct. „
17. Alexander Elliott Russell	...21st „ „

Twelve Furloughs remain unassigned and seventeen more will lapse between this date and the 31st October next, as noted in the margin.

No. 4093.

Mr. R. C. A. Hamilton, District Superintendent of Police in Oudh, reported, on the 15th ultimo, his return from the leave of absence granted to him on the 17th March 1865.

No. 4094.

In modification of Notification No. 1506, dated the 31st August 1865, Palukdhuree Loll, Tehsildar of Sohawul, is invested with the powers of a Subordinate Magistrate of the 1st Class, as described in Section 22 of Act XXV of 1861.

Mr. C. R. Coles, Political Assistant, Bundlecund, is invested with the powers of a Magistrate described in Section 22 of Act XXV of 1861, to be exercised within the limits of the territory assigned to the British Government by the States of Rewah, Myhere, Sohawul, and Nagode, for occupation by the Railway.

A. M. MONTEATH,

Under Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 2124.

Simla, the 25th October 1865.

Dr. J. McL. Pemberton, Residency Surgeon, Hyderabad, has been granted privilege leave of absence for three months, from the 1st proximo, or from the subsequent date on which he may avail himself of it.

No. 2126.

Ramdial, Superintendent of the Chanda Settlement, is appointed to be a Deputy Collector in the Nagpore Settlement, vice Jye Kishen Rao, deceased.

No. 2128.

Fort William, the 3rd November 1865.

The services of Mr. E. S. Robertson are replaced at the disposal of the Government N. W. Provinces.

POLITICAL.

No. 917.

His Excellency the Viceroy and Governor General in Council is pleased to confer, as a personal distinction, the title of "Rae" on Purmeshree Doss, Superintendent of Jignee, in Bundlecund.

No. 919.

His Excellency the Viceroy and Governor General in Council is pleased to confer the title of "Khan Bahadoor" as a personal distinction on Mir Shahamut Ali, Superintendent of Rutlam.

A. COLVIN,

Offg. Under Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3138.

Simla, the 25th October 1865.

Extract from the Proceedings of the Government of India in the Financial Department.

Read again the following correspondence relative to revised Forms of Trade and Navigation Returns and to a proposed series of Financial Statistics, viz. :—

A letter from the Statistical Committee, dated 24th March 1863, proposing revised Forms of Trade and Navigation Returns and a series of Financial Statistics.

The Financial Resolution No. 1637, dated 22nd April 1863, inviting the opinions of the Local Governments on the Forms of Trade and Navigation Returns.

The Home Department's endorsement No. 7735 of 12th December 1863, forwarding a letter from the Government of Bombay, No. 13, dated 30th October 1863, with the opinion of the Commissioner of Customs, Bombay.

The Financial Resolution No. 2189, dated 20th April 1865, settling the details which are to be given in the annual accounts under the new system of accounts.

A letter from Mr. M. H. Foster, dated 29th August 1865, detailing the procedure in the Central Office of Accounts for consolidating the monthly and annual accounts of Revenue and Charge.

Read also the following documents on the subject, viz. :—

A letter No. 185, dated 12th January 1864, from the Government of Bengal, forwarding a series of monthly Returns of Trade and Navigation, which the Board of Revenue, the Chamber of Commerce, and the Collector of Customs, Calcutta, propose in substitution of those recommended by the Statistical Committee.

A letter from the Statistical Committee, dated 17th August 1864, in which they abide by the forms proposed by them, but modify the forms in some minor particulars, so as to meet certain objections of the Commissioner of Customs, Bombay, and of the Revenue Authorities, and the Chamber of Commerce, Calcutta.

The Home Department's endorsement No. 469 of 26th July 1865, forwarding the opinion of the Government of Madras on the forms proposed for the Trade and Navigation Returns and for Statistics for the Administration Reports of the Local Governments.

RESOLUTION.—The Governor General in Council observes that at present the Governments of Bengal, Madras, and Bombay, and the Administration of British Burmah, publish Annual Returns of Trade and Navigation for the territories under their control. It is not intended to dispense with these Annual Returns, or to abridge the detail in them, or to interfere with their compilation under the orders of the Local Governments.

2. Inasmuch, however, as the information in these volumes is not brought together, so as to show the Foreign Trade of India in one view, and as their appearance after the close of the year deprives them of much practical value, it is desirable that a set of Monthly Returns of Trade and Navigation should be superadded in such form as will admit of their consolidation by a Central Office of the Government of India, into Monthly and Annual Returns showing the Foreign Trade of India.

3. To this end, the Governor General in Council is pleased to decide, conformably with the recommendation of the Statistical Committee, that the several Custom Houses should submit to the Chief Customs Authority in each Presidency or Province, Monthly Returns of the sea-borne Trade and Navigation for their respective Ports, for consolidation in a Monthly Return for that Presidency or Province.

4. This consolidated Monthly Return will, doubtless, be published by the Local Government in its own Gazette, but a copy of it should be forwarded as soon as possible, and not later than the second month after that to which it relates, to the Secretary to the Government of India, Financial Department, for further consolidation in a General Monthly Return of Trade and Navigation for India, which will be published for general information in the *Gazette of India*.

5. It is essential to the accuracy of the consolidated Return for India that the primary Returns from the Custom Houses in the several Presidencies to their Chief Customs Authority should be framed on precisely the same principle and in the same form, and the Statistical Committee have shaped their recommendations accordingly.

6. For the Returns to be furnished by each Custom House, in a Presidency or Province, to its Chief Customs Authority, in supersession of those now in use, the Statistical Committee propose the following series. The Returns, as appended to this Resolution, are numbered 1 to 9, viz. :—

No.					
1.	Imports, Foreign, Duty free.	Articles.	Quantity landed.	Declared real value.	
2.	Imports & consumption, Foreign Dutiable	,,	,,	,,	Fixed Tariff value. Entered for Home consumption, including goods from Bond.
3.	Exports, Foreign, Duty free,	,,	,,	,,	
4.	,, ,, Dutiable,	,,	,,	,,	,,
5.	Foreign Trade, vessels employed in the—distinguished according to nationality.	Nationality, Vessels, Tonnage,		Showing separately	Entered. Cleared.
6.	,, ,, vessels employed in—showing countries whence arrived, whither bound.	Countries whence arrived and whither bound, Vessels, Tonnage,		Showing separately	Entered. Cleared.

SUPPLEMENTAL.

7.	Imports, Coasting Trade, Duty free, showing articles, quantity, Declared real value.				
8.	Exports ,, ,, ,, ,, ,, ,, ,, ,,				
9.	Vessels employed in the Coasting Trade, British, Foreign, Country Craft				Entered. Cleared.

7. These forms are approved of with the following modifications, viz. :—

I.—In the Returns Nos. 2 and 4 of Dutiable Imports and of Exports, the Committee propose two columns for the Tariff and the declared real values of the articles; but for tariffed goods, the value which is declared at the Custom House is the Tariff value. It will suffice, therefore, to retain merely one column for the declared real value, it being understood that, for tariffed goods, the Tariff value will be expressed as the declared real value.

II.—In the same Returns, 2 and 4, a column should be added for the amount of duty collected on each article, for, as pointed out by the Government of Madras, the information exists in the books of every Custom House, and its entry in the Returns will involve very trifling labor.

III.—The Returns 3 and 4 would show the exports of Indian produce and manufactures, but would not distinguish them from foreign merchandise or re-exports. Accordingly the Returns, instead of being devoted respectively to duty free and dutiable exports, will be allotted to Indian produce and manufactures, and foreign merchandise.

IV.—Articles should be entered in the several forms according to the classification which will be settled in subsequent paragraphs of this Resolution.

V.—The three Returns, Nos. 7 to 9, of the Coasting Trade of India, are classed as Supplemental, in order to distinguish them from the preceding six, which are devoted to the Foreign Trade of India, or that with Ports not Indian. Hence the Committee did not (in the supplemental Forms Nos. 7 to 9, which accompanied their first Report) distinguish between the trade with Indian Ports which are British, and that with Indian Ports which are not British. In their subsequent letter, however, of 17th August 1864, they have adpoted for the consolidated Return from each Presidency Mr. Inverarity's suggestion, that the distinction should be maintained in the portion relating to the coasting trade of India. Corresponding amendments must be made, therefore, in the supplemental Returns from each Custom House, Nos. 7 to 9, that is, the word "duty-free" will be omitted from the heading of the Returns 7 and 8, and when exports or imports of any article occur in any month, under both classes of Indian Ports, (viz., British Indian and Ports not British,) the entries for British Indian Ports will be shown in one total, and those for Ports not British will next be brought forward in detail for each Port, with the amount of duty which may have been collected on the articles. The same course will be observed in the supplemental Return, No. 9, of vessels employed in the Coasting Trade. In that Return, also, British Indian Vessels will be distinguished from British Vessels.

8. The foregoing amendments have been made in the Forms Nos. 1 to 9, which are attached to this Resolution.

9. It is necessary to repeat the caution of the Statistical Committee that the supplemental consolidated monthly Returns of the Coasting or Interportal Trade of India, are not to show the trade between any two Ports of the same Presidency, but only that between different Presidencies. Or,

to use the words of the Committee, "The Returns* of Interportal Trade from each Presidency will include the Imports into every Port belonging to such Presidency from Indian Ports forming part of another Presidency, and, similarly, the Exports from every Port in such Pesidency, to Indian Ports subject to another Presidency, but will not include the Coasting Trade *inter se* of Ports belonging to the same Presidency; the object of such Returns being to show, not the amount of trade conveyed by sea between one Port and another of the same Government, but the aggregate Coasting Trade of each Government with other Divisions of British India." The words "Government and Presidency" in this quotation include each Presidency or Administration which has a sea-borne trade, and, as subordinate thereto, all the native Foreign States whose Ports are connected with it.

* i. e.—The consolidated monthly Returns from the Chief Custom Authority in each Presidency.

10. If any Local Government desire to obtain Monthly Returns from its subordinate Custom Houses or Ports, of the trade with each other, the information should be supplied in a series distinct from the Returns Nos. 1 to 9 above prescribed.

11. With respect to weights and measures, the Committee observe, that "In these subsidiary Returns (1 to 9) from the subordinate Custom Houses, as also in those to be furnished by the Chief Customs Authority of each Presidency to the Financial Department in Calcutta, quantities will be entered in the (Tariff) weights, measures, and currency, according to which the several Custom Houses charge duty. The Financial Department will, when necessary, reduce all weights and measures to the English standard." The Governor General in Council considers that the expression of quantities in English weights and measures may be made preferably, in the Returns from the Chief Customs Authority of each Presidency.

12. It will be observed that the Returns prescribed for Custom Houses do not include one for articles remaining in Bond. A Return of this nature in the Form No. 16, attached to this Resolution, will probably be required from only the Custom House at the chief town of each Presidency. The Chief Customs Authority will arrange accordingly.

13. For the Returns to be furnished to the Financial Department by the Chief Customs Authority of each Presidency, the Statistical Committee propose the following series; the Returns, as appended to this Resolution, are numbered 10 to 22 as follows, viz.:—

FOREIGN TRADE.

No.				
10.	Imports and consumption,			
1.	Articles free of duty,	Articles.	Quantities landed.	
2.	Articles subject to duty,	"	"	Quantities entered for Home consumption.
11.	Declared real value of articles imported.	"	Declared real value.	
12.	Exports, Foreign Merchandise.	"	Quantities.	Declared real value.
13.	" Indian Produce and Manufactures.	"	"	"
14.	Vessels employed in the Foreign Trade, distinguishing their nationality.	Nationality. Vessels. Tons.	showing separately.	Entered, cleared, also total of British and Foreign entered and cleared. — For the month in each expired month of the year.
15.	Vessels employed in the Foreign Trade, classed according to the countries whence arriving, and whither bound.	Countries. Vessels. Tons.	showing separately.	Entered. Cleared. — in two groups of British Possessions and Foreign countries.
16.	Bonded Warehouse account of certain principal articles remaining in Bond.	Principal. Articles.	Quantities remaining in Bond.	
17.	Treasure. An account of the computed real value of the Imports and Exports of Gold and Silver.	Showing.	Gold. Silver. Total of Gold and Silver.	Countries. Imports. Exports. " " " " " "

SUPPLEMENTAL.

COASTING OR INTERPORTAL TRADE.

18	Imports	Principal Articles, Quantities Imported, Declared value.	
19	Exports	" Quantities Exported " "	
20	Goods transhipped under Bond to Ports in other Presidencies.		
21	Treasure. Imports and Exports.		
22	Shipping, British, Foreign, Country craft.	Entered. Cleared.	

14. In all the foregoing Returns, quantities and values will be shown in appropriate sub-divisions or columns, 1stly, for the month for which the Returns may be made up, and for the corresponding month in each of the two preceding years; and 2ndly, for all the expired months of the current year, and for the corresponding period in the two preceding years.

15. The Returns Nos. 10 to 17 are the same as the Monthly Returns of Trade and Navigation for the United Kingdom, which are published by the Board of Trade in London, and the Governor General in Council is pleased to direct their adoption, the articles being re-arranged, however, according to the classification which will be presently prescribed.

16. In the original series of Forms Nos. 10 to 17, the Statistical Committee omitted to provide for the exhibition of the details of Trade with each foreign country. This omission having been noticed by the Chamber of Commerce, Calcutta, it has been rectified in the amended Forms proposed by the Statistical Committee in their letter dated 17th August 1864; these amended Forms are approved, subject to remarks which will presently follow for guidance in exhibiting the details of the trade with some Foreign countries, indivi-

dually, and with other countries of minor importance, in certain groups of Foreign Ports.

17. The foregoing amendments have been embodied in the Returns Nos. 10 to 22, which are appended to this Resolution.

18. To the Forms Nos. 10 to 22, which have thus been adopted from those of the Statistical Committee, exception has been taken by the Chamber of Commerce and the Revenue Authorities, Calcutta. The Statistical Committee have replied in the remarks quoted in the margin. The answer of the Committee is valid, regard being had to the object for which the monthly Returns of Trade are required by the Financial Department, viz., to show the Foreign Trade of India. The Forms which the Chamber of Commerce prefer, are not adapted to that object, though doubtless they may be more useful for those concerned in the trade of Calcutta. In this view it is perfectly discretional with the Government of Bengal to authorize the publication of monthly Returns of the trade of Calcutta, in the Forms proposed by the Chamber of Commerce and Mr. Crawford, while the monthly Returns required by the Financial Department will be submitted in the Forms approved of in this Resolution.

The Bengal Chamber of Commerce, supported by the Board of Revenue, have proposed to dispense with our separate Return No. 7, Bonded Warehouse Account, the necessary particulars for which they would provide for in our Import Forms, Nos 1 and 2. This proposal involves numerous additional columns to these last Forms, which would thus lose their present character of compactness. There is some carelessness, too, in the Chamber's heading; a place being given for British Indian Ports under duty paid, and bonded, though no articles from such Ports pay duty or are bonded; space too, is wasted; two columns for declared and Tariff values, respectively, being given to each article in each division, though only one such value can apply to any one article. Moreover, their Import Forms would fail to show the quantity of goods landed during the month. The duty paid columns of the Forms would, of course, include payments on goods bonded in different months.

"The Committee's Returns, on the other hand, provide for—

"1st.—The total quantity landed or imported.

"2nd.—The total quantities (made up partly of the current month's and partly of the previous month's importations) which are passed into consumption direct from the Custom House, and from bond respectively.

"3rd.—The quantity remaining in bond, not only of the present, but of all past months' importations as well.

"The third head of information, which is useful, if not indispensable, for any intelligent study of the other two heads, is not given at all by the Chamber.

The Chamber further suggests that Form No. 7 should show the declared value of goods remaining in bond. In suggesting this, the Chamber have not, perhaps, considered the varying values of the goods according to the months in which they were imported. The Committee are not prepared to adopt this suggestion. While it is perfectly easy to show the quantities remaining in bond, an attempt to show their declared values would involve the keeping of accounts far more elaborate than the subject would appear to deserve.

19. The foregoing orders provide for the Returns which are to be submitted by Custom Houses to the Chief Customs Authority in their own Presidency and for those which are to be furnished by the latter to the Financial Department. It has now to be determined whether the General Return of the Trade of India, to be prepared by that Department, should be a partially condensed abstract or a mere consolidation, *in extenso*, in imperial totals, of the monthly Returns of each Presidency.

20. On this point the Statistical Committee observe in their letter, dated 17th August 1864, that "the object which our Committee had in view "was to present a clear view of the trade of all "India, without any unnecessary distinction of "Presidencies or Provinces. The mode of attain-"ing this object, therefore, is not by repro-"ducing details from the separate Local Trade "Returns, which can advantageously be studi-"ed in detail in those Returns only, but to combine the results and large aggregates of the several Local Returns in one general or consolidated Return for all India, so that a monthly Return, and an annual volume, may give results ready to hand, and worked out for all India, on all heads of information which an enquiry into out Foreign Trade must embrace."

21. Accordingly, the details in the Returns from each Presidency, of the countries with which there is a trade, and of the principal articles of merchandise, will be condensed in the monthly and annual Returns of the trade of India to be prepared by the Financial Department.

22. The annexed Return No. 23 contains a list of the foreign countries with which India has a trade, also of the Indian Ports. An alphabetical arrangement of the foreign countries has, on Mr. Crawford's suggestion, been discarded for a geographical one, which will facilitate a view of the course of trade, and be otherwise useful.

23. In that list, the countries entered in italics are those for which the particulars of export, import, and navigation, must be given separately in the Return to the Financial Department, because the trade, &c., of each of them will be shown in the annual volume. But the Chief Customs Authority will consult his own convenience and that of the Custom Houses in giving the Returns of those places which are shown in ordinary type, either under the head of "other countries," in lump under that head, or separately for each country, and he will use the like discretion with respect to those countries, shown in italics, which are grouped together, e. g., the exports to Hamburg, Bremen, Trieste, may be given, for the article exported, either collectively for all those countries, under the head Germany, or separately for each.

24. By this arrangement of countries, and of the entries appertaining to them, the Returns from the Chief Customs Authority at each Presidency will be cleared, in the abstracts of the Financial Department, of so much of the detail of countries as is not necessary for a view of the Foreign Trade of India regarded as a whole. But the condensation, thus far, will not be of much avail, and the principal abbreviation of details must be sought in a revised classification of the articles of Import and Export.

25. Such a classification has been made, for a different purpose, by Mr. Crawford, the Collector of Customs at Calcutta. Though it differs from the arrangement followed by the Statistical Committee in their Forms of the Returns to be furnished by the several Custom Houses, the Committee has not given any opinion on Mr. Crawford's list. It may be open to amendments which it will receive when brought into use, and meanwhile, it can very well serve as the basis of a revised classification of the articles of Indian trade. It is accordingly adopted, with some minor alterations, in Return No. 24, as the prescribed classification of articles of merchandize.

26. In that Return, articles are variously shown in large or small capital letters, in italics, or in ordinary type. Those in ordinary type are subordinate to some general head which is shown in capital letters. In the Returns by the Financial Department of the Trade for India, the totals of the sub-heads in small capital letters or in italics, and of the major heads in capital letters, will be shown, while the details of the articles in ordinary type, i. e., of items under major heads or sub-heads, will not be required.

27. Thus, the following kinds of entries occur in the classified List :—

DYEING AND COLORING MATERIALS, VIZ.

a	Cochineal	50
b	Galls	100
c	Gamboge	50
d	Munjeet or Madder	100
e	Orchilla	50
f	Quercitron Bark	50
g	Roscine and other coloring substances from Coal Tar	100
h	Red or Sanders wood	100
i	Saffron	50
j	Sapan wood	50
k	All other sorts unenumerated	50
		750

SEEDS, VIZ.

OIL—	
Linseed	100
Mustard	100
Poppy	100
Rape	100
Mathee	50
Niger	50
Teel	50
Other kinds	50
ESSENTIAL—	
Anise	100
Coriander	100

The Abstracts of the Trade for India would show Rs. 750 under Dyeing and Coloring materials, omitting the details *a* to *k*. Under Seeds, the Abstract would show the following :—

SEEDS.

OIL—	
Linseed	100
Mustard	100
Poppy	100
Rape	100
Other kinds	200
Total of Oil seeds ...	600
ESSENTIAL	200

The Chief Customs Authority may consult his convenience in entering in the monthly Returns for the Financial Department either the full details given in the first part, or merely the condensed details shown in the second part of the preceding example. But whether the full or the condensed details be given, they should be shown separately for each country, according to the instructions in para. 23 of this Resolution.

28. These abbreviations of details will occur in the consolidated monthly Returns for the Financial Department—not in the Returns to be furnished by each Custom House in a Presidency to its Chief Customs Authority. In these latter Returns, the trade in all the articles entered in the classified list whether in capital letters, italics, or ordinary Roman letters, will be shown separately for each country or port, except that the several varieties of piece goods, under the sub-heads of Cotton, Flax, and Silk Manufactures, or of Wines under the sub-heads of Liquors, or of Iron, Lead, Steel, Tin, &c., under those heads subordinate to Metals, need not be detailed by every Custom House unless the Local Government desires it. The details are not needed by the Financial Department, and they are entered in the Classified List merely because they are of local interest to the trade at the chief ports.

29. The articles, whether forming major heads, sub-heads, or item, have been inserted in the Classified List with reference to their present importance, so far as that can be ascertained from the Trade Returns; all others are included in the entry "other kinds" under each Head or Division. It is desirable that when the trade in any one of the articles which are unenumerated amounts in annual value to Rs. 5,000 in any one Presidency, it should be brought on the List of principal articles under its proper general head or sub-head, and notice of the circumstance be communicated through the proper channel to all the other Chief Customs Authorities, and to the Financial Department, by the Chief Customs Authority who may bring it on the List.

30. It will be well to note that the Classified List provides for the inclusion of unenumerated articles, of any kind, under the general head or sub-head of that kind, in an entry of "other kinds" or "all others." By this means, the separate entry of "unenumerated articles" which in the Returns now in use closes the detail of principal articles, will disappear.

31. The Governor General in Council believes that there will not be any difficulty in preparing the monthly Returns according to the revised classification of articles, and it is accordingly directed that this classification be strictly adhered to by the Chief Customs Authority in each Presidency. Should an article appear to be wrongly classified, it should nevertheless be entered in the Return for the Financial Department, according to the arrangement in the List, and at the same time, a separate memorandum of the exports or imports of it should be submitted, with a note of the head under which the Chief Customs Authority and the Local Government would prefer to show the articles, and with a statement of reasons. With the help of this memorandum, the Financial Department will make such alterations in the consolidated Return as may be necessary.

32. In one other respect, too, the Revised List of principal articles now authorised is to be regarded as provisional. Tariffed and untariffed goods are entered in it promiscuously. But the Statistical Committee concurs with the Chamber of Commerce, Calcutta, in recommending that Tariff values should be distinguished in the Trade Returns from other values, and the Committee considers that this should be done by showing tariffed goods by themselves alphabetically arranged, and next those not tariffed in the same order. The Governor General in Council approves of this suggestion in the Abstract, but, to carry it out consistently with the revised classification of principal articles, it is necessary that, (with one exception, viz., Cotton Goods,) each division or head in the Classified List should, as far as practicable, consist exclusively of tariffed or of untariffed goods. This is not the case at present.

33. In the accompanying Return No. 25, the principal articles forming divisions and heads in the Revised List, No. 24, are arranged in classes of tariffed and not tariffed, with an entry in italics of those heads under tariffed, which include some articles not tariffed, and of those heads under not tariffed, which include some that are tariffed. The preponderance of tariffed or not tariffed articles under a head or division has guided the insertion of such head in the tariffed or not tariffed column.

34. The numerous entries in italics show that without bringing more articles on the Tariff, under certain divisions or heads where some are already tariffed, or, on the other hand, of removing from the Tariff some articles now on the list which are of no importance, the two classes of goods cannot be conveniently separated in the Trade Returns, and the Government of India will await any

suggestions of the Local Governments and of the Chief Commissioner, British Burmah, on this subject.

35. On receipt of these suggestions, the revised list of principal articles, No. 24, will be rearranged, if necessary, under tariffed and not tariffed; and meanwhile its present arrangement is to be observed by the Chief Customs Authority at each Presidency in the Returns for the Financial Department.

36. Besides the monthly Returns prescribed in paragraphs 4 and 13 to 15 for submission to the Financial Department within the time prescribed in paragraph 4 of this Resolution, the Chief Customs Authority in each Presidency or Province should forward to the Financial Department, through the proper channel, a Return of the duty collected monthly on each article of export or import at each Port of such Presidency. The countries from which the articles are imported or whither they are exported, need not be specified, the total duty collected on each article, in the month, need only be given; and with regard to articles which are grouped in the Classified List, under divisions, heads, and sub-heads, the duty need be given only in the totals corresponding to those prescribed in para. 27 of this Resolution, for showing the trade in those articles.

37. A Return in the accompanying Form No. 26 of the refunds and drawbacks paid monthly at each Port in a Presidency, and of the description and value of the goods on which they were paid, should also be furnished to the Financial Department.

38. The Local Governments administering Territories that have a sea-borne Trade, are also requested to cause the Financial Department to be supplied with the Price Current which may be generally accepted as the standard authority or as a reliable authority for prices, in the chief Port or Ports under their control.

39. From the monthly Returns of Trade and Navigation, of duty realised, and of refunds and drawbacks paid, the Financial Department will prepare and publish an Annual Return of the Trade and Navigation of British India. The arrangement of the Volume will be similar to that of the Annual Return of the Trade and Navigation of the United Kingdom, and it will contain the Tables of information detailed in Appendix A. attached to this Resolution.

40. The monthly Returns now prescribed are to be furnished from the 1st May 1866. With regard to the comparison which they prescribe, between the figures for each current year and for the two preceding years, the Governor General in Council is aware that the existing compilations of the Custom Houses must be re-cast if the comparison is to embrace any periods before the introduction of the Returns now ordered. The Local Governments and the Chief Commissioner, British Burmah, are requested to consider whether this can be done gradually, without much expense or inconvenience.

41. For Financial Statistics, the Committee propose the publication of an Annual Volume of Statistics for several years, and of other Monthly, Quarterly, and Annual Returns relating to the estimates and accounts of the current year, or of that last completed. In the Annual Volume and the Quarterly Return, the Committee would include statistics of the Railways in India, under heads of information which are set forth in an Appendix to their Report. Orders on this point will be issued separately, it being left for decision in the Public Works Department what statistics of Railways may be conveniently published quarterly, and what others may be usefully included in the Annual Volume of Financial Statistics.

42. The Committee propose that the following Annual, Quarterly, and Monthly Returns of current Financial Statistics should be published or be otherwise made available for the Public, viz. :—

ANNUAL.

1.—Budget Estimate of Revenues and Charges.
  A.—In the Abstract Form appended to the Annual Financial Statements, showing Revenues and Charges of India, in totals for India only, and giving a detail of the Estimate of Home charges.
  B.—In detail of Presidencies and Provinces, as now prepared for submission to Parliament.
2.—The Regular Estimate of the Receipts and Charges of the current year, as prepared for transmission to the Secretary of State.
3.—The Annual Receipts and Disbursements of the year last completed, forming the Finance and Revenue Accounts which are submitted to Parliament.

QUARTERLY.

4.—Comparative Statement of Income and Expenditure for the expired Quarters of the current year, and for corresponding Quarters of the previous year, giving totals for India only.
5.—Similar Returns comparing the receipts from Stamps for the same periods in each Presidency and Province.

MONTHLY.

6.—Cash Balance in each Presidency and Province at the end of the month last expired, and on the same date in the two preceding years.
7.—A Statement of Silver received and coined in the mints of Calcutta, Madras, and Bombay.
8.—A Statement of the Note circulation, and the reserve, in the Currency Department, in the several Circles in the Presidencies of Bengal, Madras, and Bombay.

43. As observed by the Committee, the Returns Nos. 5 to 8 and 1 A are already published in India in the Gazette. The Annual Returns, 1 B, 2, and 3 are also published by Parliament; but as recommended by the Committee, arrangements will be made for supplying copies of them to the Press, and to the Chambers of Commerce and their office bearers, and for the sale of other copies at cost price.

44. The Quarterly Statement No. 4 has not been published hitherto, owing to defects in the system of Indian accounts, but as they have now been removed by the adoption of the recommendations of the English Commissioners of Inquiry into those accounts, the Governor General in Council is pleased to direct that a Quarterly account of the Revenues and Receipts, and of the Charges and Payments in India, be published by the Central Office of Accounts.

45. The heads of information on the following subjects, viz. :—

1.—Revenues and Charges of India, and of the several Presidencies and Provinces.
2.—Cash Requirements.
3.—Local Funds.

which are proposed by the Committee for the Annual volume of Financial statistics, are approved, and the arrangement of them, which is set forth in Appendix B., will be followed in the Annual volume. The Forms of the Tables are adapted for any number of years' statistics, but it is not necessary to state at present how many years' statistics should be given in each volume.

46. The Governor General in Council desires to thank the Statistical Committee for the excellent service they have performed in settling the Forms of the Trade and Navigation Returns, and the series of Financial Statistics.

ORDER.—Ordered, that a copy of this Resolution and its Appendices, and copies of the Forms of Trade and Navigation Returns mentioned in it, be sent to Governments of Madras, Bombay, Bengal, and the Chief Commissioner, British Burmah, also to each present and former member of the Statistical Committee.

Also that a copy of this Resolution and its Appendices be sent to the other Local Governments and Administrations.

Also that a copy be sent to the Public Works Department for information, and with reference to para. 41 of the Resolution.

Also that a copy be sent to the Foreign, Home, and Military Departments.

Also that the Resolution and its Appendices be published in the *Gazette of India*.

(A true Extract)

E. H. LUSHINGTON,
Secy. to the Govt. of India.

APPENDIX A.

I. ABSTRACTS OF THE FOREIGN TRADE OF INDIA.

INDIA.

1. Real value of the total Imports and Exports of Merchandise, Treasure, Total.
2. Ditto sub-divided into—
   a.—Countries west of the Cape of Good Hope—
      1. United Kingdom.
      2. Other countries.
   b.—Cape and countries eastward thereof.
3. Total of values of the Exports to and Imports from each foreign country arranged in two sets, of the countries west of the Cape, and from the Cape eastward, with totals for each set.
4. Total quantities of Imports and Exports.
5. Total of Customs Duty, with subordinate totals for each Presidency and Province.

EACH PRESIDENCY AND PROVINCE.

6. Real value of the totals of Imports and Exports, respectively, of Merchandise, Treasure, Total.
7. Real value of articles imported free of duty, into each Presidency and Province, with the total for British India, the articles being arranged in the order of their importance.
8. Real value of, and amount of duty realized on, Imports into each Presidency and Province, with the total for British India, the articles being arranged in the order of their importance.
9. Real value of articles exported free of duty, arranged as in No. 7.
10. Real value of Exports, and amount of duty realized thereon, arranged as in No. 8.

11 & 12. Quantities of articles imported, arranged as in Nos. 7 and 8.

13 & 14. Quantities of articles exported, arranged as in Nos. 9 and 10.

15. Gold and Silver coin, and Bullion, to and from each country.
16. Total of Customs Duty realized at each Port, in each Presidency on Imports and Exports, respectively, with total for the Presidency.

II. DETAILS OF THE FOREIGN TRADE OF INDIA.

GENERAL IMPORTS.

17. Articles—distinguishing countries whence imported.
    Quantities. { Imported. / Entered for Home consumption.
    Real value.
    Share of each Presidency and Province of British India in the preceding, viz.—
    Quantity.
    Value.

GENERAL EXPORTS.

18. Articles—distinguishing countries whither exported, quantity, and value.

TRADE WITH EACH COUNTRY.

19. Imports;—Articles, quantities, and value.
20. Exports;—Articles, quantities, and value.

III. GENERAL SHIPPING.

21. Number and Tonnage of British and Foreign Vessels entered from various Foreign Countries at Ports in India.
22. Ditto, cleared.
23. Number and Tonnage of Vessels of each Nation, entered and cleared, from and to Foreign countries, at Ports in India.
24. Number and Tonnage of British and Foreign Vessels, entered and cleared at each Presidency, &c., in India, showing countries whence arrived and whither departed.
25. Number and Tonnage of British and Foreign Vessels, entered from the United Kingdom and other Foreign Ports, at the Chief Port, and at other Ports, of each Presidency, &c., in India.
26. Ditto, cleared.

IV. MISCELLANEOUS.

27. *Customs Duty.*—An Abstract showing the rates of Customs Duty in the scale of 1859 and in every subsequent scale.
28. *Prices.*—An annual average of the prices of the principal articles of Import, so far as they are given in price currents.
29. Ditto Ditto, of the principal articles of export.
30. *Freight.*—An annual average of the rates of freight for the staple exports.

Eventually, all the foregoing Returns will be given for five years, in each annual volume, except Nos. 17 and 18 and 21 and 26, (which will be for one year only,) and No. 27, or the Table of Customs Duties.

B.

List of Tables for the Annual Series of Financial Statistics.

REVENUES AND CHARGES OF INDIA.

1. India—Gross Revenues, Loans in England and India, Total. Charges, Loans repaid in England and India, Total. Ultimate Results. Progress of Debt, and Cash Balance for each year from—.
2. Revenues and Charges of the Home Government, and of each Presidency and Province from—.
3. Detail of each item of gross revenue for each Presidency and Province from—.
   Viz., of
   - *a* Tributes and Contributions from Native States.
   - *b* Land Revenue.
   - *c* Forest.
   - *d* Abkaree (Excise).
   - *e* Assessed Taxes.
   - *f* Customs.
   - *g* Salt, viz.
     Quantity on hand from last Return, quantities since bought or imported, sold, remaining, proceeds of sale, and rate of duty. [In some Provinces, only the column "Imported" and "Proceeds," will be required.]
   - *h* Opium, viz.
     Behar. Benares. { Number of chests manufactured, sold, proceeds of sale, average price per chest on the number sold in each year from—.
     Mawan, number of chests and amount of Pass duty, with rate of Duty in aech year from—.
   - *i* Stamps.
   - *j* Mint.
   - *k* Post Office.
   - *l* Telegraph.
   - *m* Law and Justice.
   - *n* Police.
   - *o* Education.
   - *p* Interest.
   - *q* 1 Miscellaneous, Civil.
   - *q* 2 " Marine.
   - *r* Army Miscellaneous.
   - *s* Public Works, do.

   Charges of India, under principal heads, from —,viz.
   - *a* Army.
   - *b* Marine.
   - *c* Public Works.
   - *d* Civil and other charges of India, except interest on Public Debt.
   - *e* Interest on Debt in India and at Home.
   - *f* Home Expenditure exclusive of Interest on Indian Debt.
5. Detail of each item of charge for each Presidency and Province, from———; viz.
   - *a* Army.
   - *b* Marine.
   - *c* Public Works.
   - *d* Allowances, Refunds, and Drawbacks.
   - *e* Land Revenue.
   - *f* Forest.
   - *g* Abkaree (Excise).
   - *h* Assessed Taxes.
   - *i* Customs.
   - *j* Salt.
   - *k* Opium.
   - *l* Stamps.
   - *m* Mint.
   - *n* Post Office.
   - *o* Telegraph.
   - *p* Allowances to District and Village Officers.
   - *q* Administration and Public Departments.
   - *r* Law and Justice.
   - *s* Police.
   - *t* Education.
   - *u* Ecclesiastical.
   - *v* Medical Services.
   - *w* Stationery and Printing.
   - *x* Political Agencies and other Foreign Services.
   - *y* Miscellaneous.
   - *z* Allowances and Assignments under Treaties and Engagements.
   - *aa* Superannuation, Retired, and Compassionate Allowances.
   - *bb* Interest on Funded and Unfunded Debt.
   - *cc* Interest on Service Funds and other accounts.
   - *dd* Net loss by Exchange, on Railway expenditure charged to Capital.
6. Net Revenues in each Presidency and Province, viz., *a* to *j* of 3, less charges of collection, or *d* to *m* of 5, from—.
   Net Charges of Administration in each Presidency and Province, viz., *a* to *c* and *n* to *y* of 5, less receipts of administrative services, viz., *k* to *s* of 3, from—.
   Other Charges in India, viz., *z* and *aa* to *dd* of 5, from—.
   Total of Net Charges of Administration, and other charges, from in each Presidency and Province.
   Home charges, less receipts in England.
   Grand Total.
   Surplus or Deficit.
7. Detail of the charges of the Army of each Presidency, showing the expenditure against the Grants in India, in the Military Estimate, also the payments in England, on account of Military charges. Total thereof.—Cost of Original Works and Repairs of Military Buildings, Grand Total, from—.
8. Detail of Marine charges in each Presidency and Province, from—.
9. Detail of charges for Public Works in each Presidency and Province, under major and minor heads, from—.
   Total thereof; and total less the Military portion; also a subsidiary Return of the Public Works Expenditure from Local Funds.
10. Principal items of the major heads of Civil charges *e* to *o* and *q* to *cc* of 5 from—.
11. Detail of Home charges, exclusive of Interest on Indian Debt, from—.
12. Aggregate Receipts and Payments on account of Local Funds, in each Presidency and Province, from—.
13. Detail of Receipts and Payments on account of Local Funds of each Presidency and Province for the latest year.

CASH REQUIREMENTS.

14. Home Requisition on India from 1855-56, showing opening Cash Balance, Income, Charge, other Receipts and Payments, and probable deficit, or amount of Requisition.

15. Gross amount, also net amount (i. e., deducting payments of Railway Capital into the India House Treasury) of the Home requisition on India, in each year from—; likewise the amount furnished to England in the same period, from Bengal, Madras, Bombay, through—
    Drawings by the Home Authorities.
    Bullion Remittances from India.
    Supplies by Bills from India.
    Payments to Railway Companies in India.

16. Bills of the Home Authorities, advised, discharged, and outstanding at the General Treasuries of Calcutta, Madras, and Bombay for each year from to commencement of current year.

17. Receipts, Payments, net Result, and Cash Balance, of each Presidency and Province, for each year, from—.

18. Receipts and Payments of 17 shown under the Sub-Divisions of
    1. Revenue or Income.
    2. Remittances from other Governments, viz.—
        Specie.
        Supply Bills.
        Exceptional adjusted receipts on account of other Governments.
    3. Charges of the Province, including Public Works Expenditure for other than Military Buildings and works.
    4. Remittances to Military, Postal, and Telegraph Departments, and Public Works Expenditure for Military Buildings, &c.
    5. Supplies to London, viz., payments to Railway Companies, to Colonial Governments, and for Secretary of State's Bills.
    6. Remittances to other Governments, viz.
        Supply Bills.
        Specie.
        Exceptional adjusted charges on account of other Governments.
    7. Other Debt heads from—.

19. Closing Cash Balance of each Presidency and Province for each year, from—.

20. Remittance transactions in Specie and Supply Bills by each Government and Province with the rest of the Empire, from—.

21. Ditto ditto of each Presidency and Province with each of other Presidencies and Provinces, viz.—
    a For 1855-56.
    b to *h* For 1856-57 to 1862-63, and so on.

22. Average exchange for the year, in each year from 1855-56.
    a. On Bills drawn on India by the Home Authorities.
    b. At Calcutta, Madras, and Bombay, for first class bills on London.
    c. At Calcutta and Bombay, on Hong-Kong, Shanghai, and Mauritius.

23. Imports and Exports, respectively, of Gold, Silver, and total of Gold and Silver, into and from Bengal, Madras, Bombay, in each year from 1855-56.

24. Number and value of Rupees and silver small Coin, and of Pyce, Double Pyce, Half Pyce, Cents, &c., coined at the Mints of Calcutta, Madras, and Bombay, since the revision of the currency in 1835-36.

25. Average of the Currency Note circulation in Bengal, Madras, Bombay, in each year from 1861-62.

26. Imperial charges of India, in each year from—.

27. Revenues of the several Presidencies and Provinces compared successively with—
    Local Payments, or 3, and 4 of 18.
    Charges of the Province.
    Charges of the Province, *plus* a share of Imperial charges.

DEBT OF INDIA.

28. Amount of the Public Debt of India, including the Bond Debt in England, divided under principal heads, with the amount of Interest paid thereon in each year, from—.

29. Amount of the Registered Debt of India, showing the portion held in India, and the portion enfaced for payment of interest in England.

30. Analysis of the Public Debt of India, and of the Indian Home Debt, for each year, from—.

31. A Return of all Loans and repayments of Debt at the several Presidencies in India, and in England, annually, from the year to the latest date inclusive; specifying the rate of Interest at which the several Loans were contracted, together with the annual gross Revenue of each Presidency and total annual Revenue of British India from all services, with a column showing the annual percentage pressure of the Interest of the Debt in relation to the gross revenue.

32. Analysis of the Book Debt of each Presidency and Province in each year, from—

33. Analysis of the amount at credit under Deposits, in each Presidency and Province, in the latest year.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 3rd November 1865.

No. 987 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs:—

Lieutenant Edward Thornton, of the Zohrab List, Infantry.	General	For 6 months, without pay.

No. 988 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Robert Atkins, of the late 48th Regiment Native Infantry, Doing-duty Officer, 15th Bengal Cavalry.	For 12 months, under the new Regulations.
Surgeon Arthur Young, of the Medical Department, Assistant Commissioner, Oudh.	For 20 months, under the new Regulations.
Lieutenant Colonel James Price Clarkson, Bengal Infantry.	For 20 months, under the old Regulations.
Major (Brevet Lieutenant Colonel) Henry Dinning, late 71st Regiment Native Infantry, 2nd in Command and Wing Officer, 44th (the Sylhet) Regiment Native Infantry.	For 20 months, under the new Regulations.
Lieutenant William Vesy FitzGerald Jacob, late 6th European Regiment, Doing-duty Officer, 38th (the Agra) Regiment Native Infantry.	For 20 months, under the new Regulations.
Lieutenant William Gibson Craig, of the General List, Cavalry.	For 20 months, under the new Regulations.
Lieutenant Newton Robert Burlton, of the Bengal Staff Corps, Sub-Assistant Commissary General.	For 20 months.

No. 989 *of* 1865.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieutenant Francis Prickett Spragge, of the Royal Engineers, Assistant Engineer, 2nd Class, Department of Public Works.	12th February 1865.
Lieutenant E. G. Newnham, General List, Infantry, 3rd Squadron Officer, 17th Bengal Cavalry.	15th October 1865.

No. 990 *of* 1865.—The under-mentioned Officers of the Royal Engineers, who have been placed under orders for duty in the Bengal Presidency, reported their arrival on the dates specified below :—

	Date of arrival at Fort William.
Lieutenant William Gordon Ross.	15th October 1865.
Lieutenant James Robert McCullagh.	20th October 1865.
Lieutenant Malcolm William Rogers.	

No. 991 *of* 1865.—The leave of absence on medical certificate to visit Cashmere and Simla for six months, from the 1st September 1865, granted to Major J. C. Griffith, of the Royal Artillery, Commissary of Ordnance at Peshawur, in Government General Order No. 881 of the 25th idem, is to be held to have effect from the latter date, and for the purpose of visiting "Murree and Simla."

No. 992 *of* 1865.—Third Class Sub-Assistant Surgeon Omesh Chunder Dutt, lately attached to the Medical College Hospital, is permitted to resign the service.

No. 993 *of* 1865.—The following promotion is made in the Warrant Grades :—

Ordnance Commissariat Department.

Sergeant and Officiating Sub-Conductor Thomas Arnold, to be Sub-Conductor from the 21st February 1865.

No. 994 *of* 1865.—Lieutenant Richard Henry Ward, of the General List, Infantry, is allowed leave of absence for two months from the 16th ultimo, to visit Bombay, preparatory to applying for leave of absence on medical certificate to Europe.

No. 995 *of* 1865.—With reference to the Notification from the Foreign Department, No. 2069 of the 17th ultimo, the services of Lieutenant F. W. Grant, Assistant Commissioner, Hyderabad Assigned Districts, are replaced at the disposal of His Excellency the Commander-in-Chief.

No. 996 *of* 1865.—The following orders issued by the Resident at Hyderabad are confirmed :—

No. 143 *of* 1865, *dated* 2*nd October* 1865.—Granting one month's leave of absence to Lieutenant H. C. Onslow, Officiating Adjutant, 4th Cavalry Hyderabad Contingent, to visit Bombay for the purpose of appearing before a Board in view to obtaining a furlough to Europe on medical certificate.

5th Infantry Hyderabad Contingent.

No. 144 *of* 1865, *dated* 2*nd October* 1865.—Directing Lieutenant R. Ottley to officiate as Adjutant of the Corps, without prejudice to his appointment as Paid Doing-duty Officer, consequent on the departure of Lieutenant and Adjutant A. L. Playfair to join his appointment in the 4th Infantry Hyderabad Contingent.

4th Infantry Hyderabad Contingent.

Directing Captain C. Jameson, 2nd in Command, to officiate as Adjutant, in addition to his own duties, consequent on the departure of Lieutenant H. F. H. Sewell to join his appointment in the 5th Infantry Hyderabad Contingent.

No. 997 *of* 1865.—The leave of absence on medical certificate granted to Major Abraham Charles Bunbury, of the late 34th Regiment Native Infantry, in Government General Order No. 826 of the 1st November 1864, is extended to the 30th September 1865, on the same account.

No. 998 *of* 1865.—The under-mentioned Officer having completed 26 years' service, 8 years of which were on permanent staff employ, to be Lieutenant Colonel, from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major R. G. Simeon ... 16th October 1865.

No. 999 *of* 1865.—The under-mentioned Officer having completed 20 years' service, 6 years of which were on permanent staff employ, to be Major, from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Captain (Brevet Major) G. Hutchinson. } 25th Sept. 1865.

No. 1000 *of* 1865.—The services of the under-mentioned Non-Commissioned Officers and Soldiers, passed Military Students of the Thomason College, are placed at the disposal of the Public Works Department:—

Sergeant W. J. Flynn, Her Majesty's 21st Hussars.
Corporal J. Munro, No. 4 Battery, 25th Brigade, Royal Artillery.
2nd Corporal W. Tuite, Sappers and Miners.
2nd Corporal G. Buchanan, Sappers and Miners.
Lance Corporal C. Kerr, Her Majesty's 51st Foot.
Lance Corporal A. Henry, Her Majesty's 79th Foot.
Lance Corporal N. Cousins, Her Majesty's 82nd Foot.
Bombardier C. Wilkens, B. Battery, 11th Brigade, Royal Artillery.
Bombardier C. Cunningham, E. Battery, 19th Brigade, Royal Artillery.
Bombardier J. Carroll, E. Battery, 19th Brigade, Royal Artillery.
Gunner J. Turner, E. Battery, C. Brigade, Royal Artillery.
Gunner C. Howe, 3 Battery, 24th Brigade, Royal Artillery.
Driver W. Kates, F. Battery, C. Brigade, Royal Horse Artillery.
Private R. Sullivan, Her Majesty's 21st Hussars.
Private J. Mollindinia, Bengal Sappers and Miners.
Private E. R. Walshe, 1st Battalion, 7th Fusiliers.
Private J. Johnson, 1st Battalion, 7th Fusiliers.
Private P. McKenzie, 20th Foot.
Private J. Downes, 27th Foot.
Private G. C. Lee, 34th Foot.
Private C. McGregor, 42nd Foot.
Private W. Pearson, 54th Foot.
Private J. Herbert, 101st Foot.

No. 1001 *of* 1865.—The following order, issued by the Government of Bombay, is confirmed:—

No. 532 *of* 1865, *dated the* 17*th October* 1865.—Granting leave of absence to Europe, on medical certificate, to Assistant Surgeon John Brake, of the Medical Department, Superintendent of Vaccination in the Central Provinces. } For 18 months, under the new Regulations.

No. 1002 *of* 1865.—The following promotions and alterations of rank are made in the Subordinate Medical Department:—

PROMOTIONS.

Rank and Names.	Rank to which promoted.	From what date.	In succession to.
Hospital Apprentice S. Pollock	Assistant Apothy.	18th May 1865	Assistant Apothy. L. W. Duffy, deceased.
Hospital Steward W. Byrns (deceased) ...	Apothecary ...	6th July „	Apothecary C. Marshall, pensioned.
Assistant Apothy. F. Sanders	Hospital Steward..		
Hospital Apprentice I. H. Reid	Assistant Apothy.		
Hospital Apprentice S. Jackson	Ditto ...	26th „ „	Assistant Apothy. J. Hawkes, resigned.
Assistant Apothy. R. Kennelly	Hospital Steward..	1st August „	Hospital Steward W. Byrns, deceased.
Hospital Apprentice J. G. Fleming	Assistant Apothy.		
Hospital Steward S. Turvey	Apothecary ...	13th „ „	Apothecary J. Taylor, deceased.
Assistant Apothy. M. Morley	Hospital Steward..		
Hospital Apprentice J. McNaught	Assistant Apothy.		
Assistant Apothy. G. Blackburn	Hospital Steward..	31st „ „	Hospital Steward J. D. Berkeley, deceased.
Hospital Apprentice W. Deardon (deceased)	Assistant Apothy.		
Assistant Apothy. T. M. Sullivan	Hospital Steward..	27th Sept. „	Senior Hospital Steward A. Gibson, pensioned.
Hospital Apprentice E. A. Thompson ...	Assistant Apothy.		
Hospital Apprentice R. A. Fleming ...	Ditto ...	11th Oct. „	Asst. Apothy. W. Deardon, deceased.

ALTERATIONS.

Rank and Names.	To rank from.	In succession to.
* Assistant Apothy. J. Pollock	2nd May 1865 ...	Assistant Apothy. C. Young, dismissed.
* Assistant Apothy. W. Sims	9th „ „ ...	Asst. Apothy. W. Wilkinson, dismissed.

* Their promotions and date of rank, notified in General Order No. 589, dated 13th June 1865, are hereby cancelled.

No. 1003 *of* 1865.—The services of Major R. M. S. Annesley, of the Bengal Staff Corps, are placed at the disposal of the Foreign Department.

No. 1004 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant William Arthur Stopford DeVere Beauclerk, of the General List, Cavalry, Adjutant, 7th Bengal Cavalry.	For 20 months, under the new Regulations.

No. 1005 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Lieutenant H. W. Shoubridge, of the General List, Infantry, on leave for 18 months, Government General Order No. 840 of the 6th September 1865.	"Meinam," 3rd September 1865.
Major G. Faithful, of the Bengal Staff Corps, 1st Class Deputy Commissioner, Amherst, British Burmah, on leave to Europe on urgent private affairs for 6 months, without pay, Government General Order No. 850 of the 11th September 1865.	"Mooltan," 10th September 1865.
Surgeon A. G. Crewe, of the Medical Department, in Medical charge, 30th Native Infantry, on leave for 20 months, Government General Order No. 902 of the 4th October 1865.	"Delhi," 10th October 1865.
Lieutenant P. H. M. Wynter, late 32nd Regiment Native Infantry, Quarter Master, 18th Regiment Native Infantry, on leave for 15 months, Government General Order No. 940 of the 13th October 1865.	
Lieutenant W. Campbell, late 71st Regiment Native Infantry, on leave for 15 months, Government General Order No. 948 of the 16th October 1865.	"Bengal," 24th October 1865.
Lieutenant A. D. C. Inglis, late 18th Native Infantry, Adjutant, 45th (Rattray's Sikhs) Regiment Native Infantry), on leave for 15 months, Government General Order No. 965 of the 23rd October 1865.	
Captain J. F. A. McNair, Royal (Madras) Artillery, Executive Engineer, 1st Class, and Superintendent of Convicts, Singapore, on leave for 20 months, Government General Order No. 974 of the 23rd October 1865.	20th October 1865.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 388.

ESTABLISHMENT.

Fort William, the 2nd November 1865.

NOTIFICATIONS.

Mr. H. L. Monk, Engineer Apprentice, is transferred from the Central Provinces to the Punjab.

No. 389.

Mr. Dugald Turner, C. E., has been appointed a 3rd Grade Assistant Engineer, and was posted to the 3rd Oudh Road Division on the 20th October 1865.

No. 390.

The under-mentioned Probationary Assistant Engineers, under covenant with the Secretary of State for India in Council, are brought on the effective strength of the Public Works Department as Assistant Engineers, 3rd Grade, and posted as follows, with effect from the dates on which they may respectively join the appointments assigned them by the Local Governments and Administration :—

Mr. J. Paterson, Bengal.
" J. Campbell, do.
" J. A. Willmore, Oudh.
" J. W. Alexander, Punjab.

No. 391.

The 3rd November 1865.

Lieutenant G. R. Gibbs, Assistant Engineer, 2nd Grade, Public Works Department, Rajpootana, is posted to the 3rd Division Mhow and Nusseerabad Road.

No. 392.

With reference to Public Works Department Notification No. 380, dated 24th October, the promotion of Lieutenant W. J. Engledue, R. E., to the rank of Assistant Engineer, 1st grade, is antedated to the 19th May 1865, the date of his joining the Public Works Department.

No. 21 F.

REVENUE—FORESTS.

Mr. F. H. C. Cox, Officiating Assistant Conservator of Forests in the Central Provinces, has obtained one month's privilege leave of absence from the 18th November 1865, or such date as he may avail himself of the same.

A. B. SAMPSON,
Asst. Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rs. 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

Notice is hereby given that the undersigned has ceased to be a Director of the Sarawuk, Jaenee, Hindustan Banking and Trading Company "Limited," and to have any concern or connection with the said Institution.

पण्डित शिव चन्द

PUNDIT SHEW CHUNDER.

DELHI,
The 28th October 1865.

No. 83.

NOTIFICATION.

Lost, Stolen, or Destroyed.

The under-mentioned Government Promissory Note deposited in the Treasure Chest of the late Cawnpore Executive Commissariat Officer of this Division (Deputy Assistant Commissary General late Captain W. W. Williamson), on the outbreak of the Mutiny in the month of June 1857, by Sewbux Roy and Bissennoth, late Contractors, is not forthcoming. The Note was endorsed in favor of the Executive Commissariat Officer, Cawnpore, by the depositors, and has never been endorsed by him to any other party. Payment of this Note, and of interest thereupon, have been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Executive Commissariat Officer, Cawnpore:—

No. 13589 of 48921 of 1841-42 (transferred to No. 7260 of 1854-55) of 5 per cent., for Rs. 1,000.

2. This Office Notification No. 56 of 18th February last, published in *Gazette of India*, 4th March 1865, is hereby cancelled.

S. CHALMERS, *Captain,*
Depy. Asst. Commissary General.

EXE. COMMISSARIAT OFFICE;
CAWNPORE,
The 14th October 1865.

LOST OR STOLEN.

A Government Promissory Note No. 8186 of 1842-43, dated 1st February 1843, of 4 per cent. Loan, for Rs. 500 (five hundred), payment of which has been stopped; as also a large bundle of testimonials. Any person giving such information as will lead to the recovery of the above, will be handsomely rewarded by

SHAMA CHURN CHATTERJEE.

or by his constituent, SIB CHUNDER MULLICK.

Nos. 1 and 2. Amratollah Lane, Calcutta.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

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Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 30.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, NOVEMBER 4, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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Government of India.

HOME DEPARTMENT.

Transmission of Telegraph Messages on the Public Service.

From E. C. BAYLEY, ESQ., Secy. to Govt. of India, Home Department, to Secy. to Govt. of Bombay,—(No. 3100, dated Simla, 25th October 1865.)

I am directed, in reply to your letter of August the 24th, with enclosures, to submit the following remarks.

2. The Minute by His Excellency the Governor, which is enclosed in your letter, refers to two separate communications from the Government of India, the one dated 7th of June, relating to a Telegraph Message despatched by Colonel Marriott to General Wormald; the other, dated 23rd of May, relating among others to a message despatched by the Governor's Private Secretary at Bombay to Mr. Moore in Scinde.

3. With reference to Colonel Marriott's case, I am desired to state that Colonel Marriott is in error in supposing that he could, "with perfect propriety," have franked a letter to General Wormald, giving him the same information which was conveyed by the telegraphic message in question. One of the Post Office Rules lays down that letters which individuals write on their private affairs to any Government Officer must be prepaid; and that when Public Officers write letters to individuals on their private affairs, they shall subscribe on the envelopes with their official signature the words "Bearing Postage" This rule has been held applicable to the case of a Public Officer sending his individual salary* bill for audit, and much more, therefore, must it apply to correspondence relating to the means by which an Officer, after he shall have ceased to belong to the Public Service, is to procure payment of his pension in New South Wales.

4. But, apart altogether from this point, I am desired to say that the Governor General in Council is unable to admit the validity of Colonel Marriott's explanation of his using the Telegraph on the occasion in question. It is a rule which was laid down on the earliest opening of the Telegraph, and which has been since strongly enjoined, that the Telegraph is to be used on the Public Service only in urgent or important cases, and when the saving of time is of consequence *to the public interests.*

5. As in the present case, the message transmitted by Telegraph to General Wormald at the public charge was, without doubt, sent solely and entirely in the private interests of General Wormald, it was obviously an impropriety to make use of the Telegraph at the public expense.

6. His Excellency in Council desires me to add that Colonel Marriott has quite mistaken the intention of the communication made to him in supposing that it meant to impute to him a "private and sordid motive" in replying to General Wormald by Telegraph at the public expense. The Governor General is well aware that the improper use of the Telegraph by Public Officers proceeds from no deliberate purpose to save their own money or that of their friends. It is no doubt the consequence of mere thoughtlessness and an inadequate appreciation of the nature of the act; but this very want of consideration for

* On the same principle, a Public Officer is required to give a stamped receipt for his salary.

public rights, and also, it must be added, for the orders of Government, makes it the more necessary to remind Government Officers who so act, that to make use of the Telegraph at the public expense on trivial occasions when its use is forbidden, much more for the transmission of messages which ought to be paid for by the persons in whose private interests they are sent, is in fact a breach of trust, however unintentionally committed.

7. To affirm this, is to state a mere truism; and with reference, therefore, to that part of the Minute of His Excellency the Governor of Bombay which relates to Colonel Marriott's case, the Governor General in Council thinks it only necessary to say that he regrets the spirit in which His Excellency has commented on the orders of the Government of India, and that he does not think the observations of His Excellency are fairly applicable to the occasion.

8. Adverting to the first five paragraphs of the Minute of His Excellency the Governor, I am desired to point out that the objection meant to be taken to the message despatched to Mr. Moore by His Excellency's Private Secretary has been misapprehended by His Excellency. The real objection to such a message is that, as the intimation of leave being granted is made by *Telegraph* solely in the interests and for the convenience of the Officer who has applied for leave, such a communication should not, under the rules and orders relating to the use of the Telegraph, be made by Telegraph unless its transmission by that means has been specially asked for by the Officer applying for leave, and he has signified his readiness to pay for its transmission. Upon this question I am directed to beg His Excellency's attention to the last Circular* letter issued by the Government of India on the subject of the use of the Telegraph by Public Officers, dated the 18th of June 1864. At the same time I am to say that, if it had been known that the message in question had been despatched by His Excellency's express order, it would have been allowed to pass unnoticed.

Circular from E. C. BAYLEY, ESQ., Secy. to Govt. of India, Home Department, to Local Governments and Administrations,—(No. 941, dated Simla, 18th June 1864.)

The Governor General in Council finds it necessary again to call attention to the Rules of the Electric Telegraph Department applicable to service messages.

2. The periodical inspection of service messages undertaken in Calcutta shows that it is still a common practice on the part of Secretaries to Government, Heads of Departments, Officers Commanding Regiments, and other Public Officers, to communicate regarding applications for leave of absence and applications for appointments by Telegraph on the public service.

3. Such communications are in fact very rarely required in the interests of the public service. In nine cases out of ten, they are made for the private convenience of the party concerned, and therefore the messages ought not to be sent at the public expense.

4. If an Officer seeking leave or applying for an appointment desires to receive a reply by Telegraph, he should pay for the reply himself, for no such message can properly be sent at the public expense, unless it be so sent, because it is in good faith believed that the interests of the public service require it.

5. The extent of the evil which results from the irregular practice above noted may not readily strike an individual Public Officer who may perhaps only send one or two such messages in month. The evil, however, is in reality a very great one, for the irregularity is found to be prevalent throughout India wherever telegraphic communication is available, and thus probably not a day passes that private messages which have been paid for, and messages which are really on the Public Service, are not delayed on transit by the passage of some of these unpaid private messages improperly sent on the Public Service.

6. The difference between the Post Office and the Telegraph in this matter is obvious, though there is reason to suppose that it is not always borne in mind. No one communicating with Government or with any public functionary is entitled to expect a reply by Telegraph. *The Telegraph is an extraordinary means of communication which is not intended to be used in the transaction of public business except on urgent and important occasions, and when the saving of time effected by the Telegraph is of real importance to the public interests:* and it is of the utmost consequence to the interests of the general public, and also as regards the economical working of the Telegraph, that this rule should be rigidly observed by all Public Officers, and especially by those who hold posts of authority.

7. Another common and very serious evil in communicating by Telegraph on the public service is the entire absence of any care to express the messages in the fewest possible words. It should be always borne in mind that a message should consist of as few words as are consistent with a clear rendering of its meaning. It cannot be too strongly impressed on Public Officers that communications by Telegraph must be conveyed in a style altogether different from that which is usual in postal communications. Brevity next to clearness must be considered the most important consideration in telegraphic messages.

PUBLIC WORKS DEPARTMENT.

Completion and testing of the Bridge by which the E. I. Railway crosses the Jumna at Allahabad.

Note No. 185 N. C., dated 12th August 1865, by LIEUT. COLONEL H. DRUMMOND, R. E., Consulting Engineer to Government N. W. Provinces.

The first engine and train passed over the Jumna Bridge on the 15th July last.

The weather was so extremely unfavorable on that day, that a complete series of experiments to test the bridge could not be made. It was found, however, that a train made up of one goods-engine and ten loaded ballast-wagons and break-van, run

* A copy of this Circular is annexed.

over at a speed of about 10 miles an hour, caused a deflection at centre of span No. 1 of 8-10ths of an inch, and an oscillation of 1-10th.

On the 17th idem every span was carefully tested, both on the up and down-stream sides, with a running load of 150 tons on the upper road. In addition, a dead load of 50 tons was brought on to the lower road-way of spans Nos. 13 and 14. The result is shown in the accompanying diagrams [*not printed*] and Tabular Statement. It will be seen that the greatest trial to which the bridge had then been subjected was a load of 200 tons, and which was borne with a maximum deflection of 1·2 of an inch. As the clear span of the girders is 202 feet, the weight carried was nearly one ton per foot lineal.

The Chief Engineer having, with his Memorandum No. 160, dated 29th July, submitted tabulated details of the length of line from the right bank of the Jumna to the Jail road at the east end of the Allahabad station yard, and reported that it would be ready for opening to public traffic on the 15th August, I arranged with him that the inspection of this section of the line and the final testing of the Jumna Bridge should take place on the 8th instant. Until the evening of the 7th instant, the arrangements for carrying the railroad over the five-arch viaduct at Mooteegunge had not been quite completed. On the morning of the 8th, five engines and tenders, loaded with fuel and water up to a weight each of 53 tons, were taken coupled together from the Allahabad station over the new line and bridge.

This section of the line is throughout a heavy embankment with under-bridges for road communication, and with masonry viaducts introduced at Kotaparcha, Mooteegunge, and the north approach to the bridge over the Jumna, for the purpose of securing through ventilation to the city and suburbs of Allahabad.

The road has been well laid, and consists of bridge rail on Mr. Sibley's wrought-iron longitudinal sleeper. The value of this novelty, as of all departures from the use of timber sleepers, will have to be tested by some years' experience, but it promises well. And, so far as smoothness and comfort of travelling are concerned, the wrought-iron road is notably superior to the ordinary arrangement of double-headed rail in cast-iron chairs spiked to timber sleepers laid transversely.

The embankment throughout is in fair order, but will have to be carefully watched during the remaining months of this year's rainy season.

The masonry works are all of excellent quality. The Mooteegunge viaduct having only lately been completed, it was not considered safe to subject the arches, while the masonry is still green, to the vibration of heavy trains passing directly over them. To obviate this and to relieve the arches from the direct weight of the passing load, a layer of clay, nine inches thick at the crown of the arch, has been carefully laid and well rammed; over the clay have been placed, transversely, the ordinary ten-feet sleepers close together, so as to give a continuous platform of timber to distribute the weight; over the four sleepers a built beam of four Memel fir baulks, the scantling of each 12 ″ × 12,″ and cambered to two inches, is supported from the spandrels over the piers; over the beams is laid the wrought-iron sleeper on longitudinal timber sleepers bolted together, and to the beams below.

The weight of five engines passing over the beam did not take the camber out of it. A piece of soft chalk about half an inch thick was laid on the sleepers under the centre of the beam and was taken out uncrushed.

The viaduct is for a double road, but as yet only a single road has been laid. Standing on the uncovered crown of the remaining half of the centre opening of 50 feet, a vibration could be felt, but so trifling as not to create any apprehension for the safety of the structure. The expedient above described and so successfully adopted is of course only a temporary one, until the masonry of the arches has become thoroughly set.

The five engines were in the first instance taken slowly over the Jumna Bridge from the north to the south side, and then brought back at speed.

Span No. 14 was then tested with a stationary load of 65 tons on the lower road in addition to the rolling load of 265 tons on the upper; the deflection and oscillation are shown in the accompanying diagram No. 1. Span No. 1 was then tested with the train of engines brought to a stand over it, and showed a deflection of 1·4 inches. Spans Nos. 3 and 4 were similarly tested, and the observations of deflection taken with a level. In every case these were found to be ·12 of a foot as read on the levelling staff, or 1·44 of an inch, and which tallied so closely with the observation shown by the pencil indicator on the diagram-card, that I expressed myself thoroughly satisfied with the results of the experiments.

The deflection and oscillation of span No. 14, without any load on the lower road, but with a rolling load of 265 tons on the upper road, are shown in diagram No. 3.

The deflection due to a stationary load of 65 tons on lower load is ·27 of an inch. If this is added to the deflection shown on diagram No. 1, we obtain the total deflection of 1·65 inches for a weight of 330 tons, distributed 4-5ths on the upper and 1-5th on the lower road-way. This weight is about one-third more than the bridge in practice will have to bear.

The greatest oscillation observed was ·225 of an inch. Vide diagram No. 3.

The results are most satisfactory, and reflect the greatest credit on the designer, (who I believe was the late Mr. Rendel, Consulting Engineer to the East Indian Railway Company,) and on all who have been engaged in erecting the girders.

The remarkable smallness in the amount of oscillation is no doubt in a great measure due to the diagonal bracing introduced under both road-ways.

It is hardly possible to close these remarks without saying something about pier No. 11. This unfortunate pier has become almost a household word,—even the small boys in the streets may be heard making some remark about "*lumber-igârah!*"

The difficulties and risk against which the work on pier No. 11 has had to contend for the last six months, have been not few nor trifling.

1*st*.—There were the engines which were used for pumping out. They were old and almost worn out. Among them was the old "Thomason" locomotive, which was employed originally on the embankment of the Solani aqueduct of the Ganges Canal, and then lay for some years in the Roorkee Workshops and was used occasionally for sawing up timber. It has now not unworthily helped to pump out water from the foundations of a Railway bridge, and when thoroughly repaired, has still some work left in it yet. I have mentioned this engine because I believe it was the first locomotive introduced into this Presidency, if not into all India.

At last, after much trouble, the engines were got into tolerable working order, and the water in the foundations was kept down sufficiently low to enable the 52-feet arch to be sprung from the up and down-stream wells at a point 9 feet below the lowest water level and 12 feet below the water level as it stood at the time.

2*ndly*.—There was the risk of a flood in the river, so unusual during the cold season that it was hardly looked upon as a possible contingency, but it did actually occur, and very nearly swamped the works. Had the river risen a few feet higher, it might have cut away the island, or rather spit of sand on which the pier stood, and have rendered its completion before the commencement of this rainy season an impossibility.

3*rdly*.—There was the risk of cholera breaking out among the people employed on the pier, in which case they would have forsaken the work altogether for a time. One death occurred in April; on the following morning I happened to be at the pier and was sensible of an extremely sickening smell carried by an east wind,—apparently from the adjoining bank of the river. I immediately brought this to the notice of the Officiating Magistrate, Mr. Elliott Macnaghten, who, with his Assistant, Mr. Dale, at once took vigorous measures, and without any delay restored the bank of the river and its neighbourhood to a state of wholesome cleanliness. Who shall say that,—thanks to their prompt exertions,—an outbreak of cholera was not averted?

4*thly*.—There was the danger of an early setting-in of the periodical rains; and of this throughout the latter part of April and beginning of May there seemed to be every cause for apprehension. For days consecutively easterly winds prevailed, moisture-laden, and driving clouds before them towards the hills. I felt so sure that the season of rains was about to commence, that I requested the Chief Engineer of Irrigation in the North-Western Provinces, Colonel Dyas, to instruct the Executive Engineers in charge of the head-works of the Ganges and Eastern Dhoon Canals to telegraph direct to Mr. Sibley the news of a flood in the Ganges and Jumna. By this means, from ten to twelve days' warning of the approach of a flood would have been received at Allahabad, and might have rendered essential aid towards saving the staging, and even a girder. Happily no serious floods occurred, and the last girder was in its place, and the staging safely removed, by the end of June.

I think that, on the whole, considering the magnitude of the work, the depth to which the wells of the foundations had to be sunk (42 feet below low-water level), and that work on these could only be proceeded with during from six to seven months in the year, and that the rise of the river in full flood is nearly 50 feet, &c., &c.,—I think that, if due consideration is given to all the difficulties, it becomes rather a matter for congratulation that a mishap occurred to only one of the thirteen piers of this great bridge.

In anticipation of His Honor's approval, I telegraphed permission to the Deputy Agent to open this section of the line for public traffic on the 15th instant, but that the speed of trains over it should be limited to ten miles an hour until the close of the present rainy season.

RECORD OF TEST OF THE JUMNA BRIDGE, ALLAHABAD, TAKEN WITH LEVELS ON THE 17TH JULY 1865.

Live load 150 *tons standing on upper road of Spans from* 1 *to* 12, *and with* 50 *tons additional dead load on lower road of Spans* 13 *and* 14.

No. of Span.	Up-stream and down-stream side of girder.	Reading on staff before Train was brought on.	Reading on staff with Train standing on Span, the Engine over the centre.	Deflection in decimals of a foot.	REMARKS.
No. 1.	Up-stream	1·02	1·10	0·08	
	Down-stream	1·04	1·12	0·08	
No. 2.	Up-stream	1·07	1·15	0·08	
	Down-stream	1·05	1·13	0·08	
No. 3.	Up-stream	1·03	1·11	0·08	
	Down-stream	1·00	1·07	0·07	
No. 4.	Up-stream	1·05	1·13	0·08	
	Down-stream	1·03	1·12	0·09	
No. 5.	Up-stream	3·95	4·03	0·08	
	Down-stream	3·95	4·03	0·08	
No. 6.	Up-stream	3·96	4·03	0·07	
	Down-stream	3·96	4·03	0·07	
No. 7.	Up-stream	4·17	4·25	0·08	
	Down-stream	4·16	4·23	0·07	
No. 8.	Up-stream	4·21	4·29	0·08	
	Down-stream	4·18	4·26	0·08	
No. 9.	Up-stream	4·28	4·36	0·08	
	Down-stream	4·27	4·35	0·08	
No. 10.	Up-stream	4·30	4·38	0·08	
	Down-stream	4·32	4·41	0·09	
No. 11.	Up-stream	1·47	1·56	0·09	
	Down-stream	1·50	1·58	0·08	
No. 12.	Up-stream	1·41	1·49	0·08	
	Down-stream	1·41	1·48	0·07	
No. 13.	Up-stream	3·36	*3·46	*0·10	* With load on lower road-way :— Up-stream side taken on longitudinal. Down-stream side on tension bars.
			3·43	0·07	
	Down-stream	3·72	*3·82	*0·10	
			3·79	0 07	
No. 14.	Up-stream	3·44	*3·54	*0·10	
			3·51	0·07	
	Down-stream	3·84	*3·94	*0·10	
			3·92	0·08	
				28×26·28	
			Deflection=	·938	Of an inch, with load of 150 tons on upper road.
				4×4·80	
			Deflection=	1·20	Inches, with load of 200 tons on both upper and lower roads.

From Under Secretary to Government, North-Western Provinces, Public Works,(Railway Branch) Department, to Consulting Engineer to Government,—(No. 146 N, dated Nynee Tal, the 21st August 1865.)

I am directed to acknowledge the receipt of your Note on the inspection of that portion of the line of the East Indian Railway from the Jumna Station to the station at Allahabad, and to convey the approval of the Hon'ble the Lieutenant Governor to your having telegraphed permission to the Agent to open that section of the line for public traffic on the 15th instant.

2. I am to request that you will transmit to the Agent His Honor's congratulations on the completion of this the middle link in the long chain of unbroken communication established by the East Indian Railway Company, for the first time in the history of India, between the right bank of the Hooghly at Calcutta and the left bank of the Jumna at Delhi.

3. And to the Chief Engineer, Mr. Sibley, and through him to Messrs. Collet and Dunn, the District and Assistant Engineers, and to the subordinate staff employed on the Jumna Bridge, the Lieutenant Governor desires that his warmest thanks may be conveyed for their skilful and long-continued exertions in the construction of the great work which has now so successfully been brought to a close. His Honor will have much pleasure in bringing their services to the favorable notice of His Excellency the Viceroy in Council.

From Secretary to Government of India, P. W. Dept., to Under-Secretary to Government, N. W. Provinces, P. W. Dept., Railway Branch,—(No. 950 R, dated 21st October 1865.)

I am directed to acknowledge the receipt of your No. 233 N, dated 26th September 1865, with copy of a Note by the Consulting Engineer to Government, North-Western Provinces, on his inspection and testing of the East Indian Railway Bridge over the Jumna at Allahabad, and of a letter to the Consulting Engineer desiring that the congratulations of the Lieutenant Governor be communicated to the Railway Authorities on the completion of this important link in the Railway communication of India, and to express the hearty concurrence of His Excellency the Viceroy and Governor General in Council in the well merited commendations bestowed on Mr. Sibley, the Chief Engineer, and on Messrs. Collet and Dunn, the Engineers under him, who have laboured so successfully in accomplishing this important result.

2. This bridge now finished completes the connexion of the Hooghly opposite Calcutta with the Jumna opposite Delhi by an unbroken line of rails laid by the Engineers of the East Indian Railway Company. This Company has further in hand the construction of a bridge across the Jumna to Delhi, and contemplate a work more important than any of the magnificent series of bridges it has hitherto constructed, to bridge the Hooghly, and bring its line of rails into the heart of the Metropolis of India, and thus to complete its main line of more than 1,000 miles of Railway from Calcutta to Delhi.

3. In regard to the bridge now opened to traffic at Allahabad, the Governor General in Council has already offered Mr. Sibley his congratulations on the successful result of the zealous exertions which led to the completion, within the limited time which the season allowed, of the critical operation of launching the two last spans; and I am now to express the hearty satisfaction of His Excellency in Council at the manner in which the completed structure has borne the tests necessary to assure the public of its safety, and at the skill and success with which the difficulties of securing the foundations have been overcome.

4. This correspondence will be reported to Her Majesty's Secretary of State, and published for general information in the *Gazette of India*.

Singrowlie Coal Fields.

The following correspondence referring to the Coal Fields of Singrowlie is published in continuation of that which was published in the Supplement to the *Calcutta Gazette* of the 14th January 1863 :—

From the Deputy Agent, E. I. Railway Co., N. W. Provinces, to Officiating Consulting Engineer to Government, N. W. Provinces,—(No. 2751, dated Allahabad, the 8th May 1863.)

I have the honor to acknowledge your No. 161, of January 22nd, the enclosures of which are herewith returned.

I need hardly now observe that my No. 220, to which yours as above is a reply, was written in ignorance of the records published only the day previously in the *Calcutta Gazette* of January 14th, and my concurrence with your proposal for fresh survey on a different direction was hastily adopted with a view to save the remaining season for an object which is just now of the very greatest importance to the Company in these Provinces.

I now beg to submit copy of a letter* from the Chief Engineer, who, it appears, has been in communication with the Officiating Political Agent at Rewah during my absence, and to request that the subject may be reconsidered.

* No. 679D of 5th May 1863.

As a general rule, I am most unwilling to enter into new operations on the Company's account, and would gladly leave to other Companies or private individuals all operations which are not the immediate business of the Company, but the supply of coal for these Provinces is so important, and the prospect of any other persons undertaking to speculate on this supply is so distant, that if we are to get coal at all before the existing supply of wood-fuel is exhausted, the Company must take the initiative itself, and I would strongly urge that the terms which the Maharajah of Rewah appears to have agreed to, be allowed to stand, and that a commencement be made as soon after the rains as possible.

From Chief Engineer, E. I. Railway Co., N. W. Provinces, to Deputy Agent, E. I. Railway Co., Allahabad,—(No. 679 D, dated the 5th May 1863.)

Your No. 631, 9th February, and enclosures. The objections raised by the Government of India against sanctioning the expenditure of Rs. 70,000 for making a road from the Great Deccan Road near Mirzapore to the Soane at Rajghât, appear to be four-fold—

1. It is objected that three-fourths of the road would be in the State of Rewah.

2. That there is nothing before Government to show that the Rajah of Rewah would afford reasonable facilities for working the coal, and that indeed he did not appear to have been consulted on the subject.

3. That it seemed questionable how far it would be expedient for the British Government directly to encourage enterprise in a foreign State.

4. That before the projected road could give any relief, the Jubbulpore line would be open, and that the Nerbudda Coal would be brought to Allahabad at a cheaper rate than the Rewah Coal; and that the money spent on this road would then be found to have been spent to no purpose.

In view of these objections, the Government of India suggest that search should be made for Coal in British Territory in continuation of the Singrowlie Coal.

The first objection appears to be founded on a misapprehension; the length of road in Rewah is less than a tenth, instead of three quarters, of the portion for which the Rs. 70,000 were asked; the length of road in British Territory being thirty miles, and Rajghât Pass to the Soane about three miles.

The second objection appears also to be founded on a misapprehension. Mr. Coles the Officiating Political Agent of Rewah's letter of 28th June 1862, (which is published with the official papers accompanying the Government of India's Proceedings of 17th November last,) in which he expresses his anxiety to bring the coal negotiation to a close, controverts the statement that the Maharajah of Rewah does not appear to have been consulted on the subject.

As showing the reasonable facilities for working the coal which the Maharajah of Rewah was willing to offer, I enclose correspondence as per margin, which shows that he assented almost specifically to our proposals. The only point which prevented the completion of negotiation being the incidence of cost of the Rajghât Pass.

Extract from Chief Engineer, No. 53, dated 12th April 1862, to Mr. Coles.
Copy of Mr. Coles', letter, dated 25th April 1862.
Chief Engineer's No. 93, dated 10th May 1862.
Mr. Coles' letter, dated 1st June 1862.
Chief Engineer's letter No. 121, dated 11th June 1862.
Mr. Coles' letter dated 28th June 1862.
[Not printed.]
Ditto 7th August 1862.—[Printed.]
Chief Engineer's letter No. 185, dated. ——.[Not printed.]

The third objection, thrown in incidentally, would scarcely, I presume, be brought forward as having sufficient foundation to stand by itself. If the coal in Rewah be proved to be much better than any found in British Territory beyond the Rewah boundary, and to be more favorably or as favorably situated as regards transport, it would hardly be contended that, under these circumstances, difficulties should be thrown in the way of, or facilities denied us for, working the preferable coal, merely because it happened to be in territory not directly administered by the Indian Government.

The fourth objection appears to be fully met, as far as the first portion is concerned, by the letter of Dr. Oldham, dated 20th December 1862, which accompanies the papers.

As regards the latter portion, I would add that, even should no coal be brought from Rewah, I think that the expenditure suggested on this road would still be justified, facilitating, as it will, the interchange of the products of Rewah, Soorjoojah, and Ruttunpore, with the local products and British imports of Mirzapore.

The suggestions made by the Government of India in view of the foregoing objections appear to be also met by Dr. Oldham's letter above referred to, which shows that sufficient knowledge of the structure of the country has been obtained to enable him to say that there is extremely little chance of good coal being found anywhere within 50 miles of Myhere to the south-east; that all the country due east of Myhere has been already examined, and offers no prospect whatever of containing coal; and further, as regards the country between Singrowlie and Palamow, that there is no reason whatever to suppose that any coal measures exist there, or that coal to any extent will be found between those places; that it is probable that limited and detached patches of coal-bearing rocks may be found in this area, but that it is highly improbable that any extensive or valuable deposit of coal could have so long escaped notice.

As regards the working of the Keryle Field, it would no doubt be more desirable that it should be worked by private parties under a contract to supply the Railway Company, than that it should be worked by the Railway Company direct, and should there be parties willing to come forward with offers upon reasonable terms, I would advise closing with them, rather than pursuing the work under the Company's Officers; but it appears to me that there is but little chance, at the present stage of affairs, of any offer, except upon such terms of guarantee as would make us pay heavily if the enterprise succeeded, and would leave us to bear all the loss if it failed.

It seems to me that in this matter we must be the pioneers; when the pits are fairly opened, when the character of the coal is established, and when a practicable road is constructed, there is every probability that we should have but little difficulty in handing over the working to parties willing to contract on reasonable terms.

I would therefore suggest that, as regards the road to the Rewah boundary and over Rajghât, the Government of India should be respectfully requested to re-consider the conclusion arrived at, on apparent misapprehension as regards many of the facts, and that we should be empowered to commence working the Keryle Field, during the next season, on a scale defined and moderate, say an expenditure of one lakh of Rupees per annum, pursuing, at the same time, investigations into all likely quarters, not erecting at first any expensive machinery or buildings, so that, if found desirable, we might abandon the workings, after two or three seasons, without any serious loss.

As regards that portion of the road in Rewah, except the Rajghât Pass, I would not at once set to work to form the road over the whole extent, but would maintain pioneer gangs, who would improve only the worst places, thus making the track passable for light loads.

With regard to the survey suggested by the Officiating Consulting Engineer to Government,

North-Western Provinces, in his No. 161 of 22nd January last, for a road or tramway to connect the Keryle Field with the Jubbulpore Line, I would point out that, from Keryle to the nearest point on the Jubbulpore Line near Myhere, is, as the crow flies, as far as from Keryle to Mirzapore, so that even should a better route be found in the direction of Myhere, which is highly improbable, seeing that there are still the Soane River and the Kymore Range to cross, it would be of no value, since Myhere is 134 miles from Allahabad.

Referring to Dr. Oldham's letter of 20th December last, it would be well to learn whether any further information has been obtained by the Geological Survey, during this season, as regards the prospect of coal being found in the eastern continuation of the Rewah or Singrowlie Field, and also whether the sketch geological map is submitted.

From Offg. Political Agent, Rewah, to Chief Engineer, E. I. Railway, Allahabad,—(Dated Rewah, the 7th August 1862.)

As you may not have seen the proposals made by the Rewah Durbar some time ago for working the coal mines, I enclose extract from my letter to Captain Hodgson on the subject. You will observe that the terms correspond in all material points with the proposition contained in your letter of 12th April last. The Durbar proposed that the expense of opening a road should be borne equally by the Railway Company and the Maharajah. You propose that the Maharajah should make the road to Rajghât, costing about Rs. 30,000, and the Local Government, the passage through the Ghât, which you estimate would cost Rs. 25,000.

The Durbar proposed that the Railway Company should advance the money for road-making, and repay itself from the royalty dues, and this I take to be the meaning of your proposal. The remaining points, whether advanced by the Maharajah or yourself, are not likely to hinder negotiations. The only point remaining to be settled rests with yourself, and that is, whether the Railway Company pays for Rajghât or the Local Government. Apparently the Government is not agreeable. If this matter cannot be arranged, would the Railway Company be agreeable to advance a trifle on the rate to induce the Rajah to bear the whole expense, i. e., Rs. 55,000, payable, of course, from his royalty, and not subject to interest.

An early answer will oblige.

Extract from a letter from C. W. COLES, ESQ., *to* MAJOR HODGSON, *dated 26th July* 1861.

"The following are the terms proposed by the Rajah with reference to royalty upon coal mines in his territory, and the construction of a road for its export :—

"1. He agrees that the principle laid out for a road, which is to be made at a reasonable cost under Government supervision, is to be paid from his royalty income.

"2. That the royalty demand, till the cost of the road is liquidated, is to be nine pies per maund.

"3. When the cost is paid off, demand to be reduced to six pies per maund.

"4. That the Rajah is not responsible for any portion of the cost that may remain unliquidated from failure of coal produce.

"5. That the interest on money laid out for the road is not to be borne by the Rajah.

"I had much difficulty in getting the Rajah to take part in the road-making. When other objections were got over, he pleaded want of means and insecurity of the undertaking, for he does not believe that the cost of road can be paid from coal income. These objections were overcome by Articles 1 and 4. There remained the proportions to be borne by him, for he would not agree to the entire expense. He has a fair idea that the advantage of a road for coal will be mutual, and so he proposed half and half share, and this, I think, is secured by Articles 2, 3, and 5. The Rajah gives up his demand proper of 6 pies, and the other party contributes 3 pies on royalty and pays interest, which may be put down at another 3 pies."

From T. OLDHAM, ESQ., Supt. of the Geological Survey of India, to Under Secy. to Govt. of India, Home Dept.,—(No. 140, dated 31st January 1863.)

In continuation of my letter No. 126, dated 20th December 1862, I have now the honor to forward a general geological map [not printed] of parts of the Saugor and Nerbudda Territories, and parts of Rewah, &c. On this map I have only colored geologically that area which has been examined by the Geological Survey of India. I might also have added a geological sketch of a large portion of Nagpore and of the country included in the southern portion of the map, a general knowledge of the geology of which is derived from the examination of others, and specially of the Revd. S. Hislop, of Nagpore. As this would, however, be only approximate, and did not add any thing to our knowledge of the coal fields, (the question now under consideration,) I have omitted it. I have also avoided all unnecessary detail, giving only the chief features of geology.

In support of what I have already urged with deference to the importance of at once seeking to open out rail communication with the several coal fields of India, I have now to add that, subsequently to the date of my letter referred to, I have been favored by George Turnbull, Esq., Engineer-in-Chief to the East Indian Railway Company, with copy of Report submitted by him on the Kurhurbalee Coal-field. In this valuable Report, dated 14th January 1863, he gives some details as to the quantity of coal required for working the traffic of the Railway. These facts so entirely support my own already stated views, although derived from other considerations, that I think it desirable to bring them more prominently forward.

Mr. Turnbull shows briefly that to work a traffic requiring six trains only per diem, the consumption of coal will be 164 tons per mile per annum. He shows also that, estimating at the present rate of carriage of coal per rail, (and supposing that railroad communication be opened with Luckeeserai from Kurhurbalee, &c., equally with Singrowlie from Mirzapore,) that the coal from Kurhurbalee would meet on equal terms the coal from Raneegunge about Sahibgunge on the east, and the coal from Singrowlie between Buxar and Benares on the west, or in round numbers would supply (cheaper than coal from elsewhere) about 200 to 250 miles length of the line of Railway. Now taking this distance, and estimating for the very small traffic which Mr. Turnbull does, namely, six trains

per day, (and I am convinced that a very few years will more than double this,) there would be required for Railway work alone (164 × 250 tons) or 41,000 tons of coal from each of these fields. But besides this, it is obvious that inasmuch as there is no likelihood of coal being found further to the north-west, the supply for the line of Railway beyond Allahabad and Cawnpore to Delhi, or even to Lahore, must be brought from the nearest available coal-field. If, then, this demand be added to the demand for the more adjacent portions of the Railway, it is, I think, certain that the demand for coal from the Singrowlie coal-field (if proper communication be opened out with that field) will be not 8,000 tons per annum, as stated in the letters previously submitted to me, but more then 10 times that quantity, or 80,000 tons per annum.

I have not the slightest hesitation in saying that this quantity, or even one-half of this quantity, *could* not be conveyed away by carts on an ordinary road in this country,—neither carts nor men could be found in sufficient numbers. The amount of coal despatched from Kurhurbalee after years of continued effort to find sufficient transport has not exceeded the average of 1,80,000 maunds, or less than 6,500 tons, while the quantity required will, at the lowest estimate, be 40,000 tons.

And it must be remembered that this quantity is estimated entirely without taking into account the demand for River Steamers, Manufactures, &c. &c.

It would appear to follow obviously from this that no ordinary cart road will meet the necessities of the case, and that, if these coal-fields are to be rendered really useful for Railway purposes, it will be both more economical and better to open up Railway communication at once.

Should the map sent herewith not be required in your Office or elsewhere, I have to solicit its return.

From T. OLDHAM, ESQ., Supt. of the Geological Survey of India, to Under Secy. to Govt. of India, Home Dept.,—(No. 169, dated 22nd May 1863.)

In continuation of my letters to your address, as noted in the margin, I have now the honor to state that with a view to ascertain what probability existed of the discovery of coal of a fair workable quality within the limit of British Territory south of the Soane and between the Singrowlie and Palamow Districts, one of the Assistants of the Geological Survey of India was detached and directed to make traverses of the southern portion of that area, not with a view to any careful mapping of the geological features, as this was impracticable, no topographical maps existing, but simply to ascertain whether there were any outlying field of the coal-bearing works in which coal might probably exist. Mr. Hackett, who was deputed by Mr. Medlicott, Deputy Superintendent for Bengal, proceeded in one direction south-east to more than 70 miles south of the Soane Valley, and thence returning took a north-west course, so as to make a fair traverse of the district. Mr. Hackett came upon coal-bearing rocks to the extreme south of that area forming detached basins appearing near Rajketa and Maunpoor and in the Marna Nuddi adjoining, and again further to the south about six miles south of Coteserai. These places will be seen near the southern limit of the country included in Sheet 104 of the Indian Atlas. Similar rocks show again to north-east near Sindoor. Mr. Hackett did not meet with any distinct beds of coal, but he found pebbles of coal in the nullahs; nothing, however, but a very careful examination of the district, (and to accomplish this there are no maps,) can settle the point as to whether coal exists here in any workable quantity.

No. 126, dated 20th December 1862.
No. 140, dated 31st January 1863.
No. 154, dated 22nd April 1863.

In the more northerly part of the district, no coal measures were met with.

I regret that the result of this reconnoisance has not been more favorable, but it has entirely borne out the anticipations we had formed from the slight amount of knowledge of the area which existed before.

I would desire to urge the early publication of the maps of the Palamow District, the survey of part of which is now completed, so that it may be practicable to make a more detailed geological examination of it.

I shall be obliged by the information contained in this letter being communicated to the Public Works Department, and to the Government N. W. Provinces, in the Railway Branch of the Public Works Department.

From CAPTAIN R. DE BOURBEL, R. E., Offg. Under Secy. to Govt. of N. W. P., in the P. W. Dept., Railway Branch, to Secy. to Govt. of India, P. W. Dept., with G. G.,—(No. 123 N, dated 31st July 1863..)

Printed correspondence on the proposed working of coal in Eastern Rewah.
Officiating Consulting Engineer's Note No. 107 N C of 22nd July 1863.

I am directed by the Hon'ble the Lieutenant Governor, North-Western Provinces, to submit, for the consideration and early orders of His Excellency the Viceroy and Governor General, the accompanying papers in which the Deputy Agent and the Chief Engineer of the East Indian Railway Company renew their application to commence working the coal found in Eastern Rewah.

2. This proposition is strongly supported by the Officiating Consulting Engineer in his Note No. 107 N C of 22nd July 1863, and the Lieutenant Governor trusts that the reasons advanced by these Officers, in which he entirely agrees, may induce His Excellency to re-consider the orders passed by the Government of India in Public Works Department Resolution of the 17th November 1862, and to permit of the early commencement of operations both in the working of coal and the construction of the road proposed to connect Mirzapore with that coal-field.

Note by CAPTAIN R. DE BOURBEL, R. E., Offg. Cons. Engr. to Govt. of N. W. Provinces, on working of coal in Eastern Rewah, E. I. Railway,—(No. 107 N. C., dated 22nd July 1863.)

The printed correspondence on this subject is submitted for His Honour's perusal and orders at the request of the Deputy Agent and Chief Engineer of the East Indian Railway Company, vide letters Nos. 2751 of 8th May and 679 of 5th May 1863, in which they solicit a re-consideration of the orders of the Government of India in Public Works Department Resolution of 17th November 1862.

I have been expecting a report of the trials now being made at Allahabad with the various known Indian coals to ascertain their relative quality and

value, and also a geological map of Rewah and the country in its vicinity, which Mr. Oldham, the Superintendent of the Geological Survey, has prepared from the information at present available, in order to show the position and extent of the Singrowlie Coal-field, and the places where coal has been found.

Neither of these has yet been received, time is slipping by, and early orders are necessary if any work is to be done during the next cold season. The Government of India, in reply to the application made by this Government in July 1862 for permission to spend Rs. 70,000 on the construction of the British portion of the road to connect the Singrowlie Coal field with Mirzapore, to advance Rs. 30,000, if necessary, from the Revenue Account of the East Indian Railway to the Rajah of Rewah, for the construction of that portion of the same road which lies in the Rewah State, and to expend Rs. 3,00,000 out of the Revenue Account of the East Indian Railway during the next five years in working the Keryle Coal-field, observed that it seems questionable how far it would be expedient for the British Government directly to encourage enterprise in a Foreign State.

The Governor General in Council was of opinion that it would be better, before sanctioning the expenditure proposed, to search for coal in the British districts beyond the Rewah portion along the continuation of the Singrowlie Coal-field, and to have the hills north of the Soane examined to ascertain if a road could not be provided within British territory to communicate from the coal region to Chunar or Mirzapoor.

The Chief Engineer now points out that the length of the road in the British territory would be 30 miles, from near Lallgunj on the Great Deccan Road to the Rajghât Pass of the Kymore Range, from Rajghât to Burdhee on the Soane would be about three miles in the Rewah State, and from Burdhee to Keryle would be about 60 miles also in the Rewah State. He communicates the terms proposed by the Rajah of Rewah in regard to working his coal mines—

1*st*.—The principal laid out upon the length of road in the Rewah State, which is to be made at reasonable cost under Government supervision, is to be paid from the royalty income.

2*nd*.—The royalty demand, till the cost of the road is liquidated, is to be 9 pies per maund.

3*rd*.—When the cost is paid off, demand to be reduced to 6 pies per maund.

4*th*.—The Rajah is not responsible for any portion of the cost that may remain unliquidated from failure of coal produce.

5*th*.—The interest on the money laid out for the road is not to be borne by the Rajah.

The Chief Engineer considers that the Maharajah of Rewah has assented almost specifically to the proposals made by the East Indian Railway Company, the only point which prevented the completion of the negotiation being the incidence of cost of the Rajghât Pass, which the Rajah was not willing to incur.

If the coal in Rewah is proved to be much better than any found in British territory beyond the Rewah boundary, and to be more favourably or as favorably situated as regards transport, he contends that, under these circumstances, facilities for working the preferable coal ought not to be denied merely because it happens to be in territory not directly administered by the Indian Government He further alludes to Mr. Oldham's letter of 20th December 1862, (see page 21,) on this question, which shows that sufficient knowledge of the structure of the country has been obtained to enable him to say that there is very little chance of good coal being found anywhere within 50 miles of Myhere to the south-east; that all the country due east of Myhere on the Jubbulpoor Railway has been already examined, and offers no prospect whatever of containing coal, and further as regards the country between Singrowlee and Palamow.

There is no reason to suppose that any coal measures exist there, or that coal to any extent will be found between those places; limited and detached patches of coal-bearing rocks may be found in this area, but that it is highly improbable that any extensive or valuable deposit of coal could have so long escaped notice.

As regards the working of the Keryle Field, it would no doubt be more desirable that it should be worked by private parties under contract to supply the East Indian Railway Company, than by the East Indian Railway Company itself, but in the present stage of affairs, there is little chance of a suitable offer.

The Chief Engineer thinks that the Company must in this instance be the pioneers; when the pits are fairly opened, the character of the coal established, and a practicable road constructed, there will probably be little difficulty in transferring the working to parties willing to contract on reasonable terms.

He suggests that the whole question should be re-considered by the Government of India, and that the East Indian Railway Company should be empowered to commence working the Keryle Field during the next season on a scale defined and moderate, say an expenditure of one lakh of Rupees per annum, pursuing at the same time investigations in all likely quarters, not erecting at first any expensive machinery or buildings; so that if found desirable, the workings could be abandoned after two or three seasons without any serious loss.

The Deputy Agent says that, as a general rule, he is most unwilling to enter into new operations on the Company's account; but the supply of coal for the North-Western Provinces is so importan and the prospect of any other persons undertaking to procure this supply is so distant, that if we are to get coal at all before the existing supply of wood-fuel is exhausted, the Company must take the initiative itself; and he would strongly urge that the terms which the Maharajah of Rewah appears to have agreed to should be allowed to stand, and that a commencement be made as soon after the rains as possible.

I do not share the opinion expressed regarding the improbability of finding good coal in the British territory between Singrowlie and Palamow and between Singrowlee and the Jubbulpore Railway, and the fact of none having yet been discovered, is no proof to my mind of the impossibility of finding a valuable bed at some future period. The Keryle bed of coal, which is the best yet found, was only discovered two years ago, and the country is so covered with hills and jungle, and generally

so inaccessible, that a patient and thorough search only is likely to be attended with success. Still the prospect is so uncertain that I think we had better not lose more time in looking after other coal beds when we know that good coal exists at Keryle, and that a passable road can be made at moderate cost to connect that coal-field with Mirzapore.

The fact of Keryle being in Rewah is of course an objection, but the Maharajah is willing to have the coal mines worked, and his terms are reason-

The Government would have to spend Rs. 70,000 in making its portion of the road, including the Rajghât Pass, and crossing over the Soane River, but in any case this road would always be a valuable feeder to the East Indian Railway in connecting Eastern Rewah and the British districts south with the market of Mirzapore.

The Government of Bengal advocates the construction of a Railway connecting the Burrakur terminus of the Raneegunge branch with the Kurhurbalee coal field and Luckeeserai, a point on the East Indian main line, 80 miles east of Patna. If this be ever carried out, the Kurhurbalee coal could be delivered at Allahabad at 10 annas per maund, which would be less than the price of Mopani coal delivered at Allahabad by Jubbulpore Railway, 11 annas per maund, and of the Rewah coal delivered at Allahabad viâ Mirzapore route, 13 annas per maund.

But the distance between Kurhurbalee and Allahabad by Railway would then be 385 miles, which, Mr. Oldham says, would be a serious drawback to the free use of coals from those mines in the North-Western Provinces above Allahabad, and he further declares that it is only *in extreme cases* that an article like coal can profitably bear the cost of transport by Rail for several hundred miles, and that any distance beyond 300 miles may safely be considered prohibitory, except under any peculiar circumstances.

Mr. Oldham is satisfied that, within a very brief period, means must be adopted to facilitate the transport of coal from the Kurhurbalee coal field to the East Indian Railway, and also to bring the coal of Singrowlie more economically into consumption. With facilities of communication such as he contemplates, the Raneegunge coal field would supply the Railway and other demand in its own vicinity, the Kurhurbalee coal field will meet the demand of the country near it, Rajmahal or Bhagulpore to Benares, the Singrowlee field will feed Mirzapore, Allahabad, and to the west; while the Nerbudda coals will find a sufficiently large demand in the country nearer to their own pits.

However this may be eventually, there seems to be no immediate prospect of any Company coming forward to construct a line of Railway, from Kurhurbalee to Luckeeserai, much less from Singrowlie to the East Indian Railway, and even if there were, these lines could not come into operation for several years. The Jubbulpore Railway will not be finished before the next four years, and meanwhile there is no doubt but that the supply of wood-fuel is becoming more scarce and dear above Allahabad, and that we must have coal, if possible, to help in working the opened line.

I do not look upon the Keryle coal field as a permanent source of supply, except to a very limited extent, so long as it remains unconnected with the East Indian Railway or Jubbulpore extension by rail or tramway; but I think that, during the next four or five years, it may be worked in a small way with great advantage and profit to the East Indian Railway Company, and as private enterprise is not forthcoming, I can see no harm in the East Indian Railway Company undertaking to be pioneers in working these mines.

The road proposed to connect Keryle with Mirzapore will always be useful in opening up a larger sphere for the market of Mirzapore, and is well worth the small outlay, Rs. 70,000+30,000, contemplated.

I therefore strongly support the proposition of the East Indian Railway Company to commence operations during the next cold season on the conditions recommended in my Note of 26th July 1862.

I would limit the total maximum expenditure on the mines during the next five years to 3 lakhs of Rupees.

This would of course be exclusive of the expense of transport of the coal from Keryle to the East Indian Railway. Should it be found advisable, in the course of two or three years, to extend the operations from failure of wood-fuel or other reasons, this can, of course, be done at any time, but, looking to present prospects, the outlay should be limited to 3 lakhs of Rupees.

From COLONEL R STRACHEY, R. E., Secy. to Govt of India, P. W. Dept., with G. G., to Offg Under Secy. to Govt. of N. W. P., in the P. W. Dept., Railway Branch,—(No. 1906, dated 21st August 1863.)

I am directed to acknowledge receipt of your letter No. 123 N of 31st July, forwarding, recommended by the Lieutenant Governor, a second application from the Deputy Agent of the East Indian Railway Company, proposing that the Company may be allowed to work the Singrowlie coal pits in Rewah.

2. His Excellency the Governor General observes that it is proposed to spend about one lakh of Rupees on the road from the pits to Mirzapore, of which Rs. 30,000 is to be eventually made good by the Maharajah from the royalty on the coal raised, and Rs. 70,000 is to be paid absolutely by the British Government. Further, it is contemplated that the Railway Company shall spend, say, 3 lakhs from their Guaranteed Capital on the works, the cost of working the coal being defrayed from Revenue.

3. The question to be considered obviously is, whether the scheme will prove a remunerative one. The facts appear to His Excellency to be all adverse to such a conclusion; a serious error having till now been made in the calculations of the real cost of coal brought up by Rail from Bengal, the charge for transport having been taken at the Railway Tariff rate, one-third of a pie per maund, or one penny per ton, and not at the real cost price to the Company, which is only about one-third of the Tariff rate, or one-third penny per ton.

4. It seems admitted that the cost of the coal to the Railway Company brought from the Sin-

growlie field to Allahabad will be not less than 13 or 14 annas per maund, or, say, 45*s.* to 50*s.* per ton. This, it is presumed, will be the *cash out of pocket*, irrespective of the interest on the money sunk on the pits.

5. Now, it is calculated that the *Mopani* coal can be brought to Allahabad by the Great Indian Peninsula and Jubbulpore Railways, and sold at 6 annas per maund, or 21*s.* per ton, giving a profit to the Great Indian Peninsula Railway Company on their haulage of 50 per cent, but charging the transport over the Jubbulpore line at *cost price.*

6. Also it is calculated that *Raneegunge* coal could be delivered at Allahabad at the cost price, to the East Indian Railway Company, of 7½ annas per maund, or 26*s.* 6*d.* per ton.

			s.	*d.*
Cost price of coal per ton at pit mouth ...			9	9
Transport at ⅓*d.* per ton per mile, 601½ miles			16	9
Raneegunge to Kanoo ...	46	,,		
Kanoo to Luckeeserai ...	252½	,,		
Luckeeserai to Mogulserai ...	208	,,		
Mogulserai to Allahabad ...	95	,,		
Total ...	601½	miles.		
Total cost ...			26	6

7. The *Kurhurbalee* coal, if the direct line from Luckeeserai be opened, could be delivered at Allahabad at 6 annas per maund, or 20*s.* per ton at *cost Railway* prices, or at 6½ annas per maund, and 22*s.* 6*d.* per ton, if the direct Rail takes 50 per cent. profit on its haulage.

8. Now, it was before assumed by the Deputy Agent that the coal would cost 3 annas at Raneegunge, and that its transport to Allahabad would cost 12 annas 7 pie, making in all 15 annas 7 pie, or in tons first cost 10*s.* 6*d.*, transport 44*s.*, total 54*s.* 6*d.*, instead of first cost 9*s.* 9*d.*, transport 16*s.* 9*d.*, total 26*s.* 6*d.* The cost of transport was, as before remarked, taken nearly three times too high. In other words, at the prices named by the Deputy Agent, that the Railway Company would have received credit for about 28*s.* per ton in the shape of revenue out of the 54*s.* 6*d.* of nominal cost.

9. It therefore appears, on the whole, that Singrowlie coal delivered at Allahabad would be from 18 to 23*s.* per ton dearer than that brought from Raneegunge, and from 25 to 29*s.* dearer than Mopani or Kurhurballee coal, instead of from 5 to 10*s.* cheaper, as has been till now assumed.

If these are really the facts of the case, the only other question which arises is, whether the East Indian Railway Company can carry the coal required for the line above Allahabad without interfering with its other regular traffic. The quantity is said to be about 20,000 tons a year, or 400 tons a week, and it is supposed four trains would do this easily. Of course an increase of the coal wagons would be necessary, but the 3 lakhs it is proposed to sink in the coal pits would go far to cover this, and the additional stock would, under all circumstances, be most useful.

11. The whole question thus simply turns on the *absolute cost* to the Company of carrying the coal *without profit;* and this, I am to remark, must be placed on a perfectly unmistakeable ground before the Government of India can permit any steps to be taken by the Railway Company for working the Singrowlee coal pits.

12. * * * * *

From MAJOR R. J. MEADE, Agent, Governor General for Central India, to Under Secy. to Govt. of India, Foreign Dept., with G. G.,—(No. 55, dated 8th September 1861.)

With reference to your letter No. 78 of date 11th March last, conveying the instructions of His Excellency the Viceroy and Governor General for the re-opening, on a reasonable footing, of the negotiations which were commenced in 1860 with the Maharaja of Rewah, on the subject of the working of the coal fields within his territories, in view to the accomplishment of a liberal and practical scheme favorable to the general interests of the public, and the opening up of the Singrowlie Coal Fields, I have the honor to forward, for submission to His Excellency, copy of a letter from Dr. Stratton, Political Assistant for Bundelkund, No. 261 of date 25th ultimo, transmitting a Report from Mr. Coles, to whom the conduct of the new negotiations with the above object had been entrusted, of his proceedings in the matter, and of the result, in the shape of a set of propositions from the Chief, of the conditions on which he is prepared to agree to the working of his coal fields in Keryle.

2. These propositions may be briefly stated as follows:—

1st.—The construction of a line of road from Keryle towards Mirzapore.

2nd.—To be carried out under the direction and at the cost, in the first instance, of the British Government, the charge of construction, to the extent of Rs.1,50,000* being debited to the Rewah State, and paid for out of the fixed royalty of 6 pies per maund on the first 48 lakhs of maunds of coal exported from the mines.

* This sum is, it will be seen, far in excess of that named as required from Rewah for the purpose by the Chief Engineer, Railway Company, and the Consulting Engineer to Government, North-West Provinces, while the rate of royalty on coal exported, till it is paid off, has further been reduced from 9 (as formerly proposed) to 6 pies per maund, which is equal to an additional grant (or saving to the Railway Company) of Rs. 50,000.

3rd.—Interest on money advanced for the cost of construction not to be charged to the Chief.

4th.—The Chief not to be held responsible for refund of cost of construction in the event of failure of the coal mines.

5th and 6th.—One or more tramways may be constructed to mines, and land for the same will be given free; but the Chief will not pay any portion of their cost, and the fixed royalty of 6 pies per maund will be payable on all coal exported by them.

7th.—The land granted for such road or tramways to revert to the Chief, when no longer required for the purpose for which it was so assigned.

8th.—No duty of any kind to be levied on goods under transport for the use of the people employed on the coal works, or on coal exported in excess of the Royalty of 6 pies per maund.

9th.—These propositions and conditions to apply only to the Keryle Coal Fields in Haqua Burdee, and it is suggested, to prevent future misunderstanding, that a boundary be laid down, defining the limits of these fields.

10th.—In addition to the cost of construction as above, the Maharaja agrees to pay Rs. 2,500 annually towards the repair of the road to be charged to the royalty accruing to him on coal exported.

11th.—Timber required for the coal works to be paid for at usual rates.

12th.—Land required for occupation in connection with the coal works to be given free of charge.

13th.—Protection assured to the life and property of British subjects to the utmost of the Chief's power.

14th.—Precious and other metals and precious stones found in the course of the mining operations to be the property of the Chief.

15th.—Coal for export to be weighed in presence of a Rewah official.

16.—Mûndeers and other places of worship, as also tanks, wells, and baowlies not to be destroyed.

3. I trust that these propositions may appear to His Excellency, on the whole, to be such as to meet the required object.

4. The sum as above proposed to be allotted by the Chief for the construction of the road, will probably be found sufficient for that purpose, but that agreed on for the annual repairs will, doubtless, be too small. Mr. Coles, however, thought it better to secure a definite offer from the Chief of that amount, in which, under the circumstances, he was, I submit, probably right.

5. With respect to the 9th proposition, it appears to be but reasonable that the Chief should know the limit of the area within which the mines are to be worked, and I do not apprehend that there will be any serious difficulty on that head.

6. The remission of all transit dues on goods, &c., under transport to and from the mines, for the use of the people connected with the works, will, I trust, meet all the requirements on this point, as the line is not likely to be used for traffic of any other sort.

7. With respect to the points mooted in paras. 3 and 6 of Dr. Stratton's covering letter, if it should be decided to make a tramway instead of a road, after the line is laid out for the latter, or to convert the road, when made into a tramway, I see no reason to doubt the Chief's consenting to let the sum allotted by him in the propositions now submitted for the construction and repair of the road he assigned to the tramway, which, in such case, would represent the road. A larger sum for either purpose could not, of course, be expected from him, and his aim is clearly to guard himself against any fresh demand in excess of those sums.

I have not thought it advisable to make any further reference on this point at present, as the Chief is so suspicious, that he might misunderstand its purport; but it can, if necessary, be made hereafter.

It will not, I presume, be necessary to raise any question of interest on the sums advanced for the construction of the line.

8. Appended to Dr. Stratton's letter is the extract from his No. 106 of date 28th April last, referred to in para. 4. The question therein discussed will be one for the consideration of the Railway Company when the line is being laid out.

9. Dr. Stratton's and Mr. Cole's proceedings in this important matter, which, from the Chief's peculiar disposition, required the exercise of much caution and tact, have been most judicious, and I trust they may meet with His Excellency's approval.

From Dr. J. P. Stratton, Political Assistant for Bundelkund, to Agent, Governor General for Central India,—(No. 261, dated 25th August 1863.)

I have the honor to forward copy of letter No. 393, dated 20th instant, with enclosures, from the 2nd Political Assistant, Nagode, reporting the terms on which the Maharaja of Rewah is willing to let his coal mines be worked.

2. As the negotiation was conducted under detailed instructions furnished from your Office, I need not write at any length here. The Maharaja's propositions regarding original construction and annual repair are much more liberal than those he offered in 1861.

3. The only points on which I had to instruct Mr. Coles, were, 1st, as regards the possible construction of a tramway, regarding which I was asked who would provide the funds. My reply to which was, that the Rajah should give the land free, but that the tramway would be the work of a Company; and 2nd, as to interest being chargeable or not on the money advanced by Government for making the road; on which point I stated my opinion that Government would not wish a practical measure to be stopped by any difficulty regarding interest.

4. In my letter No. 106, dated 28th April last, I submitted the fullest detail which I was then able to prepare of the subject generally.

When the point may be taken up for decision as to whether a road or tramway shall be made, I submit for consideration the grounds detailed in that letter, as to the probable inefficiency of a common road and bullock cart carriage for the practical supply of the coal wants of the North-Western Provinces.

5. The Maharaja's offer of a lakh and a half of Rupees for construction of the road is for the estimated distance of 60 miles in Rewah Territory, a sum of Rs. 2,500 a mile.

This concession gained by Mr. Coles is greatly in advance of the amount in view with the Consulting Engineer to Government, North-Western Provinces, Railway Department, who in his official Note, dated 26th July 1862, mentioned Rs. 60,000; and still more beyond that named by Mr. Sibley, Chief Engineer, Railway Company, who in his

letter No. D 481 of 14th April 1862, named Rs. 30,000 as the amount it was desirable to obtain from Rewah for the road.

The Rs. 2,500 offered for annual repairs gives mileage rate of Rs. 41-10-3.

6. There is one point which might perhaps require to be kept in view.

Supposing the road be now made at the cost of the Rewah Chief, the land of the road remaining of course Rewah Territory, and that subsequently it be desired to make a tramway which will be at the expense of Government or of a Company, the Rewah Chief giving the land free to Government, it might be found that the road would offer facilities for conversion into the tramway.

In that case the Raja would be asked to give the land, but perhaps he might bring forward a claim to a refund of the money he had allowed for the road from his coal royalty.

7. The 9th proposition of the Maharajah, which requires the definition of the limits within which the coal mines are to be worked under the present negotiations, is an important one requiring consideration.

Extract from a letter from the Political Assistant for Bundlekund, to the Agent, Governor General for Central India,—(No. 106, dated 28th April 1863.)

PARA. 12.—The Report No. 126 of 20th December last, from the Superintendent of the Geological Survey, which accompanied Government letter No. 78 of 11th ultimo, contemplates now the necessity for the construction of a light Railway capable of bearing the coal traffic at a rate of 15 miles an hour, rather than of a mere road.

From the extract of the Consulting Engineer's Note above given, it will be seen that if a cart road were to be the end in view, it would be necessary to provide carts and bullocks, and fodder and water for the bullocks as well as the road.

13. Over such an uneven country, I fear that an expenditure of merely Rs. 500 a mile would leave but a difficult road for such a heavy traffic as carriage of coals, and that both carts and cattle would so soon be knocked up, as, in the entire absence of a local supply of carriage, to prevent the demand for coal at Allahabad or Mirzapore being ever met properly, if at all, by such a mode of conveyance. The cost of a road good enough to be easy for heavy traffic, of bringing bullocks and carts, and of providing fodder and water for the cattle, would, I imagine, go far to meet the cost of a better mode of communication, which latter would succeed, while I fear that cart traffic after all would fail.

14. My impression, therefore, is, that if the regular supply of Allahabad and Mirzapore, &c., is contemplated from the Singrowlee mines, it will be necessary, as the Superintendent, Geological Survey, remarks, to have better communication than a mere cart road, and that therefore the negotiations with the Raja of Rewah should have in view a Railway or tramroad in place of a common cart road.

15. In this case I suppose the Maharaja could not be called on for the cost of the Rail or tramroad, but he would be asked merely to give the land for it free, while the road, whether laid with rails or trams would, under Government, be the property of a Company who should also work the coal mines.

From C. R. COLES, ESQ., 2nd Political Assistant, Nagode, to Political Assistant for Bundlekund,—(No. 393, dated 20th August 1863.)

With reference to the late correspondence relative to the working of the Rewah Coal Fields, I have the honor to inform you that, on receiving your letter No. 421, dated 29th June, and enclosure, I addressed the Maharaja in conformity to the views of the Agent, Governor General.

2. The reply to this I found waiting me at Rewah, whither I had proceeded agreeably to the wish expressed by the Agent, Governor General, in his letter No. 748, dated 9th July, to your address

3. The propositions put forward by the Chief in this communication were of a nature to bar their acceptance, and I explained this to the Chief, pointing out that unless terms more favorable to the undertaking were proposed, there would be no chance of his benefitting by his coal possessions.

4. The Chief, I am happy to say, prepared another set of propositions, which appear to me to promise a satisfactory issue.

5. I beg to enclose for your information copies of papers as per margin, in the vernacular, also translation of the propositions.

Khureeta from 2nd Assistant, to Maharaja of Rewah, dated 7th July 1863.
Ditto from Maharaja in reply, dated 2nd Sawun, the 3rd Sumbut 1920.
Ditto from 2nd Assistant in reply, dated 9th August 1863,
Ditto from Maharaja, with propositions, dated 2nd Sawun, 12th Sumbut 1920.
Forwarding Roobacar from 2nd Assistant, to Dr. Stratton.

6. I endeavoured to persuade the Chief to agree in general terms to the construction of road and its repairs as regarded cost, but he showed a strong disinclination to any thing undefined, and as I found that each day spent in argument brought forth additional conditions and difficulties, I thought it best to meet him on his own ground.

7. In regard to his contribution to construction of road, the amount placed by him at the disposal of Government appears to me liberal, but the allotment annually for repairs, it is possible, may be found insufficient.

8. I had telegraphed to Captain de Bourbel, on the 9th, to inform me of the outside probable cost per mile for repairs of the coal road, but receiving no reply, and finding that advisers were strengthening the Chief's disinclination to have any thing to do with the road after it was once made, I thought it advisable not to keep the question open any longer.

9. The distance of road in the Rewah Territory is stated to be 60 miles, the sum named by the Chief, therefore, yields a mileage rate of Rs. 41-10-8, whereas Captain Hovenden, who replied to my telegram on the 12th instant, states that about Rs. 50 per mile would be the cost of repairs for a road on which there was moderate traffic.

10. I have now to refer to proposition 9, in which the Chief wishes the area it is proposed to work to be defined. This appears to be attended with difficulties, and yet the Chief is very anxious on this point. His argument is, that it is clearly his interest to encourage mining operations; and should other Companies offer to work in the neighbourhood, either on the same or latter terms, he would wish to point out the ground they may work upon without fear of objections being raised.

11. In regard to the total abolition of transit duties on the coal road, I found the Chief so indisposed to entertain the suggestion, that I judged inexpedient not to press the matter, but I hope, on the whole, the propositions made by the Chief may be considered satisfactory.

Propositions made by the Maharaja of Rewah for working his Coal Fields in Keryle free.

TRANSLATION.

1st.—The Maharaja agrees to the construction of a road for the transit of coal from Keryle towards Mirzapore; the construction of the same to be carried out by Government, or under its direction, and the line of road to be decided by Government.

2nd.—The cost of above road to the amount of Rs. 1,50,000 to be borne by the Maharaja in the following manner: The road to be constructed, in the first instance, with Government funds, and in repayment the Maharaja gives up his royalty of 6 pies per maund on 48,00,000 maunds of coal, which amounts to Rs. 1,50,000 after cost of road has been paid off; a fixed royalty of 6 pies per maund will be charged.

3rd.—The Maharaja not to be chargeable with interest on the money laid out for the road.

4th.—In case of failure of coal mines from any cause before cost of road is repaid, the Maharaja not to be responsible for loss so occurring.

5th.—If it be decided to make a tramway, the Maharaja agrees to its construction, and will give land required for it, free of cost, but the Maharaja will take no part in cost of construction. Royalty on coal so transported to be charged, as before arranged, at 6 pies per maund.

6th.—If in future other tramways are required for carriage of coal, land for them will also be given free of cost, and royalty taken on coal as above.

7th.—Should the road or any tramway be no longer used owing to construction of other tramways, the land thereof to revert to the Maharaja.

8th.—All goods for the use or consumption of people employed on local works to be free from duty or charge of any kind, and coal to pay nothing beyond the royalty of 6 pies.

9th.—The conditions which are here proposed for working the Keryle Coal Fields in Elaqua Burdee, will not apply to any new coal fields, and it will be better, to prevent misunderstanding hereafter, that the boundary be fixed, be it of 10 miles or 5 miles on all four sides, and intimation thereof be given to the Maharaja.

10.—The Maharaja agrees to the repairs of the road, the cost of which he has as above agreed to pay from his royalty, but the repairs are to be done by Government, and Rs. 2,500 a year taken for it from the royalty on coal.

11th.—All timber required from the Maharaja's territory to be paid for at usual rates.

12th.—Land required for occupation connected with coal works will be given by the Maharaja to Government free of cost.

13th.—The Maharaja agrees to the utmost of his power to protect the lives and property of British subjects.

14th.—In case of gold, silver, or other metals and precious stones, &c., being found in the mining operations, such produce to be the property of the Maharaja.

15.—Coal carted from the mines to be weighed in presence of Rewah officials, and account kept of the same by either party to be signed by the other; such account being compared and closed at the end of the month.

16th.—Mûndeers and other places of worship that may fall on a projected line of road or tramway not to be destroyed or damaged; and in like manner tanks, wells, and baolees, on which the people of the neighbourhood depend for water, are not to be destroyed.

From LIEUT. COLONEL J. P. BEADLE, R. E., Offg. Secy. to Govt. of India, P. W. Dept., to Offg. Under Secy. to Govt. of N. W. P., in the P. W. Dept., Railway Branch, —(No. 4152, dated 9th October 1863.)

In continuation of previous correspondence on the subject, I have the honor to forward the accompanying letter,* with its enclosures, from the Agent, Governor General, for Central India, on the subject of opening up the Singrowlee Coal-field, and to request that you will move the Hon'ble the Lieutenant Governor to favor the Government of India with his views generally on the terms offered by the Maharaja of Rewah, and as to the manner in which His Honor would propose that the portion of the road to the coal-field which will lie within British Territory, should be constructed.

* No. 55, dated 8th September 1863.

2. The question of the economical supply of Singrowlee coal to the Railway Company will naturally be considered in connection with the means at the disposal of the Railway Company for the conveyance, for its own use in the North-Western Provinces, of Raneegunge coal viâ Rajmahal, without interfering with the public traffic. Should the Lieutenant Governor be satisfied that Raneegunge coal can be economically conveyed in sufficient quantity for use in the North-West Division, until either the Kurhurballee or Nerbudda coal enters the market, further consideration of the terms consented to by the Maharaja of Rewah would be unnecessary.

From LIEUT. COLONEL H. DRUMMOND, R. E., Under Secy. to Govt. of N. W. P., in the P. W. Dept. Railway Branch, to Secy. to Govt. of India, P. W. Dept.,—(No. 144 N, dated 19th August 1865.)

P. W. D. No. 4452, dated 9th October 1863.
N. W. P. No. 427, dated 6th Sept. 1864.

With reference to your Memo. No. 647 R, dated 9th instant, and previous correspondence as per margin, on the subject of the Singrowlee Coal-fields, I am directed by the Hon'ble the Lieutenant Governor to reply that application to work these fields has twice been made to the Government of India, and on both occasions refused; the second time on the ground that coal from Raneegunge, Kurhurballee, and Mopani could be delivered at Allahabad cheaper than that from Singrowlee.

The first application was made in August 1862, with the intention of making the connecting road from Mirzapore to the Singrowlee field in two years, and of using the coal thence during the three years which would then elapse before the completion of the Jubbulpore line in 1867, when it was expected that the Mopani coal would come into the market at a cheaper rate than the Singrowlee coal.

The road, if it had been undertaken last year, would not probably have been ready before the middle of 1866. The time then appeared to have gone by for any beneficial action on the part of Government towards making a road to open up the Singrowlee Coal Fields, but a copy of the correspondence received with your No. 4452 of the 9th October 1863, was forwarded to the Deputy Agent, and, pending his reply, the subject was overlooked.

It now appears that the Deputy Agent did not communicate the letter to the Agent, and the matter has therefore remained in *statu quo*.

The case as it now stands may be briefly stated thus: The cost of coal from the Singrowlee fields, if conveyed on carts to Mirzapore, would be 12 annas and 7 pie per maund at Allahabad.

The cost of Raneegunge coal, delivered at Allahabad at Mr. Rendel's rate of $\frac{1}{10}$th of a pie per maund per mile, will be 8 annas and 1 pie per maund. If Mr. Stephenson's rate of $\frac{1}{7}$th of a pie per maund per mile is assumed, coal from Raneegunge will be delivered at 10 annas and 4 pie per maund.

The Singrowlee coal could not compete with Raneegunge coal, if the former has to be carried on carts to Mirzapore, and it would not, therefore, pay to make a road to Singrowlee.

The Kurhurballee coal can be delivered at Allahabad for 6 annas a maund at Mr. Rendel's rate for carriage, and for 7 annas and 3 pie at Mr. Stephenson's, provided that the new chord line is an integral part of the East Indian Railway.

In both the Raneegunge and Kurhurballee calculations, the cost of the coal at the pit mouth has been included, and has been assumed to be 3 annas a maund.

I am to remark that it would clearly not be to the interest of Government to expend money on the construction of a road in the direction of the Singrowlee coal fields, although it might pay a private Company to work these fields, and to connect them by a tramway with Mirzapore.

Resolution by the Government of India, P. W. Dept., No. 792 R, dated 9th September 1865.

Read again—

Extract from a Memo., dated 20th July 1863, by the Under Secy. to the Govt. of India, P. W. Dept., on the sources of supply of coal to the East Indian Railway.

P. W. D. No. 1906 G. G., dated 21st August 1863, to the Govt. N. W. Provinces.

Endorsement by the Foreign Dept., with the G. G., No. 752, dated 24th September 1863.

P. W. D. No. 4452, dated 9th October 1863, to the Govt. N. W. Provinces.

Read also—

Foreign Dept. Office Memo. No. 1623, dated 5th August 1865.

Govt. N. W. P. No. 144 N, dated 19th August 1865.

ORDER.—Ordered, that the Foreign Department be informed that further consideration of the terms offered by the Maharaja of Rewah is unnecessary at present, as it is only by the construction of a rail or tramway that coal from the Singrowlee field could come into use on the East Indian Railway, and it is not certain that the demand would be sufficient to pay a dividend on the capital such a means of communication would require for its construction.

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The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 11, 1865.

HOME DEPARTMENT.

No. 4151.

Fort William, the 1st November 1865.

NOTIFICATIONS.

The under-mentioned Specification of an Invention has been filed under the provisions of Act XV of 1859 in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department to public inspection upon payment of a fee of one Rupee; a certified copy of the Specification will be given to any person requiring the same on payment of the expense of copying.

No. 263.—B. Dickenson, No. 1 Church Lane, Calcutta, a Member of the Firm of Messrs. Ahmuty and Co., for improving the manufacture of Tea by the application of the hot air blast.

No. 4152.

The 2nd November 1865.

The following translations, of two Notifications of the Netherlands Government, are published for general information.

(1) The Director of the State and Crown Dominions hereby gives notice to Mariners that a Herbert Buoy, painted white, has been substituted for the Globular beacon off Harang Porloe-Obie (near Rotterdam Island) in the Channel leading up to Batavia.

The Buoy is placed in 5 fathoms water, about 50 Netherland ells (37½ yards) N. E. of the spot where the Globular beacon was situated.

(2) The Director of the State and Crown Domains, in reference to the advertisements in the Java *Couraint* of the 6th, 10th, 13th, and 27th January 1865, Nos. 2, 3, 4, 8, hereby notifies that the fixed Coast light of the 2nd Order at the 4th point of Java near Anjer, has been transferred to a new stone built tower, and has, since the 20th August, been lighted up.

The tower is painted white and in the immediate neighbourhood of the old; the light is placed 46 Netherlands ells, above the water level, and can be seen from the deck of any ordinary vessel at a distance of 5 German Geographical miles.

No. 4153.

The 7th November 1865.

Mr. John Foster Stevens, appointed by the Secretary of State for India, a Member of Her Majesty's Civil Service on the Bengal Establishment, reported his arrival at the Sandheads on the 15th ultimo.

No. 4154.

Dr. G. Y. Hunter, Civil Assistant Surgeon of Raepore, in the Central Provinces, has obtained one month's preparatory leave of absence from the 9th ultimo, to proceed to Bombay, with a view to obtaining leave on medical certificate to England.

No. 4155.

Lieutenant F. Coddington, Assistant Revenue Surveyor, in charge 3rd Division, Oudh, has obtained leave of absence on medical certificate, to proceed to the Presidency, preparatory to applying for furlough to Europe.

No. 4156.

Mr. R. F. Stack, Solicitor to Government, has reported his return from the leave granted to him on the 18th September last, and the resumption of the charge of his Office on the 28th ultimo.

No. 4157.

Mr. H. P. Owen, 1st Assistant Superintendent, Telegraph Department, Indore Circle, has been granted one month's privilege leave of absence from the date on which he may avail himself of it.

No. 4159.

The 10th November 1865.

The Governor General in Council is pleased to permit Mr. W. H. Brodhurst to resign the Civil Service from the 27th ultimo.

E. C. BAYLEY,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 2135.

Fort William, the 7th November 1865.

Mr. H. E. Wrottesley, Assistant Commissioner of Saugor, in the Central Provinces, has obtained one month's privilege leave of absence, from such date as he may avail himself of the same.

No. 2136.

Moonshee Huzaree Lall, Extra Assistant Commissioner of Sultanpore, in Oudh, has obtained one month's privilege leave of absence from the 15th instant, or from such date as he may avail himself of the same.

No. 2137.

Captain C. J. Pearse, Officiating Deputy Superintendent of the Bangalore District, availed himself, on the 4th ultimo, of the two months' privilege leave granted him in G. O. No. 2002 of the 7th idem.

No. 2138.

Mr. J. G. Anderson, Deputy Commissioner of Baraitch, in Oudh, has obtained privilege leave of absence for one month from the 16th ultimo.

Captain H. S. V. Fisher, Assistant Commissioner of Hurdui, will officiate as Deputy Commissioner of Baraitch, during Mr. Anderson's absence, or until further orders.

Captain Fisher assumed charge on the afternoon of the 16th ultimo.

No. 2139.

Lieutenant T. H. B. Brooke, Assistant Commissioner, Chindwara, Central Provinces, has obtained one month's privilege leave of absence from such date as he may avail himself of the same.

No. 2140.

Captain S. S. Boulderson, Settlement Officer, Mohumdee, and Captain E. Clark, Settlement Officer, Baraitch, assumed charge of their Offices on the forenoon of the 11th and 16th ultimo, respectively.

No. 2141.

Mr. T. L. Crawley, Extra Assistant Commissioner of Jubbulpore, has obtained one month's privilege leave of absence from the 22nd instant, or from the date he may avail himself of it.

No. 2142.

Moonshee Huzaree Lall, Extra Assistant Commissioner, Baraitch, is granted three months' privilege leave from the 14th ultimo, under Section VII of the old Uncovenanted Service Absentee Rules.

No. 2143.

Lieutenant D. W. Laughton, Assistant Commissioner, 3rd Class, in the Hyderabad Assigned Districts, has passed the lower standard of examination in Civil and Criminal Law.

No. 2144.

Moonshee Sheo Pershad, Extra Assistant Commissioner of Raepore, in the Central Provinces, has obtained furlough for one year from the 1st February 1866, or from such date as he may avail himself of it.

No. 2145.

Dr. G. N. Cheko, Residency Surgeon, Nipal, has obtained leave of absence for 28 days from the 1st January next, preparatory to applying for furlough to Europe.

No. 2149.

Captain C. C. Taylor, Assistant to the Resident at Nipal, has obtained twelve months' leave of absence on medical certificate, from the 10th instant, under the old Regulations.

No. 2150.

His Excellency the Governor General in Council is pleased to appoint the Superintendent of Police at Bangalore, to be Magistrate of the Bangalore Cantonment, and to invest him with the powers of a Magistrate as described in Section 22 of the Criminal Procedure Code.

No. 2153.

Mr. W. H. Kerr, Superintendent of Coorg, assumed charge of his Office and Treasury from Captain R. A. Cole, on the afternoon of the 13th ultimo.

No. 2162.

The 10th November 1865.

Pundit Hurree Kishen, Extra Assistant Commissioner of Pertabgurh, has obtained one month's privilege leave from the 10th instant, or from the date he may avail himself of it.

No. 2163.

Captain T. Cadell, v. c., Deputy Bheel Agent and Political Assistant at Maunpore, has obtained general leave of absence from 8th September to 13th October, inclusive, preparatory to proceeding to Europe on medical certificate.

The privilege leave granted to Captain Cadell in G. O. No. 1845, dated 11th September last, is hereby cancelled.

Lieutenant G. F. Blowers, Adjutant of the Malwa Bheel Corps, is appointed to officiate as Deputy Bheel Agent and Political Assistant at Maunpore, during Captain Cadell's absence.

No. 2167.

Mr. H. H. Butts, Extra Assistant Commissioner, 3rd Grade, in Oudh, is appointed an Assistant Settlement Officer on Rs. 600 per mensem, vice Captain Clark, promoted.

Mr. A. G. Grote is appointed Extra Assistant Commissioner of the 3rd Grade, vice Mr. Butts.

A. COLVIN,

Offg. Under Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2874.

Fort William, the 9th November 1865.

NOTIFICATIONS.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in September 1865, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In September 1865	63	29,70,515	22,28,022	876	1,40,802	93,726	...	23,32,243	7,014

No. 2875.

In continuation of Notification No. 2700, dated the 29th September last, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of August last, contrasted with that of the previous years, is published for general information :—

	1863, August.	1864, August.	1865, August.
	Rs.	Rs.	Rs.
Govt. of India ...	3,74,46,056	2,32,32,641	2,01,53,652
Bengal	1,90,35,626	1,46,12,132	1,32,94,055
British Burmah			22,18,576
N. W. Provinces...	3,04,36,549	1,99,23,287	1,98,79,828
Oudh	...	...	58,49,477
Punjab	1,04,38,574	1,08,87,655	1,44,44,494
Bombay	2,29,34,914	1,77,42,136	1,73,24,311
Central Provinces .	50,41,122	49,03,599	45,02,250
Deccan	29,08,638	23,48,776	23,08,975
Madras	2,88,84,357	2,57,05,720	1,91,84,881
Total ...	15,71,25,836	11,93,55,946	11,91,60,499

No. 2876.

Captain H. Hyde resumed charge of the Offices of Mint Master and Head Commissioner of the Department of Issue of Government Paper Currency, Calcutta, on 3rd instant, afternoon.

In the afternoon of the same day Dr. J. F. Shekleton resumed charge of the Office of Assay Master, Calcutta.

No. 2882.

Mr. H. A. Moraes, who was officiating for Mr. J. Mackey as Assistant in the 5th Class in the Office of the Accountant General, Madras, is allowed privilege leave for three months from the 25th October 1865.

Baboo D. Kissen Sing is appointed to officiate for Mr. J. Mackey during the absence of Mr. Moraes.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 4th November 1865.

No. 1006 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major William Charles Robert Mylne, of the Bengal Staff Corps, Deputy Assistant Commissary General. } For 20 months.

No. 1007 *of* 1865.—Major Nicolai William Elphinstone, of the Bengal Staff Corps, is permitted to resign the service, on the pension of a Captain, from the 1st instant.

The 6th November 1865.

No. 1008 *of* 1865.—The date of admission into the Bengal Staff Corps of Lieutenant H. B. Hanna, Adjutant, 19th Bengal Cavalry, announced in Government General Order No. 572 of the 11th July 1864, is hereby cancelled, and that Officer's admission is to be held to have effect from the 4th January 1863.

No. 1009 *of* 1865.—With reference to paragraph 18, of Government General Order No. 402

of the 13th April 1860, it is hereby notified that in future the Controller of Military Accounts, instead of the Secretary to Government in the Military Department, will furnish Commanding Officers of Regiments, &c., with the declaration therein prescribed in respect to Regimental Savings' Banks Accounts.

No. 1010 *of* 1865.—The services of Lieutenant Llewellyn Wavell, of the Bengal Staff Corps, are placed at the disposal of the Public Works Department.

The 7th November 1865.

No. 1011 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain James Alexander Mountford Patton, of the late 1st Regiment, Bengal European Light Cavalry.	For 20 months, under the new Regulations.

The 9th November 1865.

No. 1012 *of* 1865.—The services of Captain J. S. Irvine, of the late 2nd Regiment, European Light Cavalry, are placed temporarily at the disposal of the Foreign Department, with effect from the 23rd ultimo.

No. 1013 *of* 1865.—The services of Surgeon Major George Saunders are placed temporarily at the disposal of the Government of Bengal, with effect from the 25th ultimo.

No. 1014 *of* 1865.—The following order, issued by the Government of Fort St. George, is confirmed :—

No. 365, *dated the* 11*th October* 1865.—Granting leave of absence to Europe on medical certificate to Captain T. Cadell, V. C., of the Bengal Staff Corps, Deputy Bheel Agent and Political Assistant at Manpore.	For 15 months, embarking from Madras.

No. 1015 *of* 1865.—The following order, issued by the Resident at Hyderabad, is confirmed :—

No 152 *of* 1865, *dated the* 17*th October* 1865.—Granting Lieutenant F. A. Dobbs, Paid Doing-duty Officer, 3rd Infantry, Hyderabad Contingent, leave of absence on private affairs up to the 15th November 1865, in extension of the privilege leave allowed him.

No. 1016 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

PUNJAB FRONTIER FORCE.

Corps of Guides.

Lieutenant W. J. Forlong, Adjutant, to be 2nd Squadron Officer, vice Lieutenant Ommanney, deceased.

Lieutenant W. Battye, Wing Officer, to be Adjutant, vice Lieutenant Forlong.

Lieutenant A. G. Hammond, Quarter Master, to be Wing Officer, vice Lieutenant Battye.

Lieutenant A. J. Nicholson, Doing-duty Officer, to be Quarter Master, vice Lieutenant Hammond.

No. 1017 *of* 1865.—With reference to the Notification issued by the Government of the North-Western Provinces, No. 3733 A, dated 25th ultimo, that portion of Government General Order No. 950, dated the 17th ultimo, placing the services of Assistant Surgeon C. O. Daniell, M. D., Civil Assistant Surgeon of Jaunpore, temporarily at the disposal of His Excellency the Commander-in-Chief for employment with the Troops serving on the Bhootan Frontier, is cancelled, and the services of Assistant Surgeon C. E. Raddock, Civil Assistant Surgeon, Bijnore, are placed at His Excellency's disposal for that purpose.

No. 1018 *of* 1865.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William
Major R. T. Leigh, Staff Corps. Captain W. Musgrave, Staff Corps, 2nd Squadron Officer, 15th Bengal Cavalry. Lieutenant (Brevet Captain) M. A. D. Orchard, late 3rd European Regiment. Lieutenant E. D. H. Vibart, late 54th Regiment, Native Infantry. Lieutenant R. A. Price, General List, Infantry.	31st October 1865.

No. 1019 *of* 1865.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Bombay
Captain (Brevet Major) W. D. Hoste, Bengal Staff Corps, Commandant, 6th Punjab Infantry.	13th October 1865.

No. 1020 *of* 1865.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified opposite to his name :—

	Date of arrival at Fort William
Lieutenant George Ainslie L. Aston Whitmore.	2nd November 1865.

No. 1021 *of* 1865.—The under-mentioned Non-Commissioned Officer, of the late East Indian Regiment, is admitted to pension as specified opposite to his name :—

Sergeant William Adjie, Rs. 14-14-6, payable in India.

No. 1022 *of* 1865.—*Erratum.*—In Government General Order No. 876, dated the 20th September 1865, making certain promotions in the 34th (the Futtehgurh) Regiment, Native Infantry, for Havildar "Naun Sing" read Havildar *Naum Sing.*

Order Books to be corrected accordingly.

No. 1023 *of* 1865.—Lieutenant Colonel S. H. Becher, of the Bengal Staff Corps, employed on special duty in the Account Branch of the Military Department, is allowed leave of absence for fifteen days on urgent private affairs, from the 26th instant, in extension of privilege leave.

The 10*th November* 1865.

No. 1024 *of* 1865.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 284, dated 23rd September 1865, are published for general information :—

1. The under-mentioned Officers and Warrant Officer have been permitted to return to their duty, viz. :—

Lieutenant Colonel R. C. Wroughton.
" J. H. Maxwell, per Steamer, 4th October.
Major W. D. Hoste.
" G. E. Holmes.
" T. C. Merrick.
" W. C. Hamilton, *viâ* the Cape.
" H. L. Pester.
Captain R. Cadell.
" E. H. Paske.
" H. A. W. Waterfield.
" M. M. Prendergast.
Lieutenant B. Cracroft.
" H. Rowband.
" D. J. Stewart.
" R. E. K. Money, per "WalmerCastle."
" E. G. Newnham.
" E. E. Grigg.
Surgeon Major C. L. Cox.
" W. F. B. Dalzell.
Assistant Commissary E. J. Gillis, *viâ* Bombay.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz. :—

Lieutenant Colonel G. N. Oakes	6 months.
" J. C. Scott	6 months.
Major J. A. Steel ...	4 "
" G. B. Mainwaring ...	3 "
Captain E. H. Scott ...	6 months.
" J. J. Russel ...	6 months.
" P. G Cornish ...	6 months.
Lieutenant J. Colledge ...	6 months.
" R. C. W. Mitford	6 months.
" J. P. Steel ...	6 months.
Surgeon R. Parker ...	6 months.
Assistant Surgeon A. F. Richmond ...	6 months.
Veterinary Surgeon R. W. Murray ...	6 months.

3. Lieutenant E. A. Vine, whose case formed the subject of your Despatch No. 85 of 1864, and who obtained permission to return to duty in October last, met with an accident in France while on his way to India, which compelled him to return to this country. In consideration of the circumstances, and of the Report of the Medical Board on the case, Lieutenant Vine has been granted 6 months' leave from the 1st September 1865.

4. Lieutenant Draycott De la Garde Birkett, of the late 3rd European Regiment, has been placed on the Retired List from the 16th June 1865.

No. 1025 *of* 1865.—With reference to Government General Order No. 975, of the 23rd ultimo, the following Military letter, from the Right Honorable the Secretary of State for India, No. 285, dated 23rd September 1865, is published for general information :—

MILITARY. INDIA OFFICE,
No. 285. *London*, 23*rd September* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

With reference to my Despatch No. 278, of the 15th September 1865, I have to acquaint you that Assistant Surgeon Samuel Duckering has been allowed to exchange with Assistant Surgeon Edward Barton Gardener, who had been allotted to the Bombay Presidency.

I have, &c.,
(Signed) C. WOOD.

No. 1026 *of* 1865.—The following order, issued by the Resident at Hyderabad, is confirmed :—

No. 157 *of* 1865, *dated the* 24*th October* 1865.—Appointing Lieutenant H. S. Stewart, Paid Doing-duty Officer, 3rd Cavalry, Hyderabad Contingent, to act as Adjutant of the 4th Cavalry, Hyderabad Contingent, during the absence of Lieutenant H. C. Onslow on sick certificate to Europe.

Appointing Lieutenant R. Ottley, Officiating Doing-duty Officer, 5th Infantry, Hyderabad Contingent, to act as Paid Doing-duty Officer, 3rd Cavalry, Hyderabad Contingent, during the absence of Lieutenant H. S. Stewart.

No. 1027 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Alexander Callander, of the Bengal Staff Corps, Brigade Major, Mooltan. } For 20 months.

No. 1028 *of* 1865.—Lieutenant Richard Hudson Dyas, of the late 4th European Regiment, is permitted to proceed to Madras and Burmah on medical certificate, and to be absent from Bengal on that account for 4 months, under the new Regulations.

No. 1029 *of* 1865.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Major H. R. Drew, Bengal Staff Corps.	2nd November 1865.
Captain M. M. Prendergast, late 4th European Light Cavalry, 2nd in Command, and Squadron Officer, 4th Bengal Cavalry.	2nd November 1865.
Captain E. H. Paske, Bengal Staff Corps, Deputy Commissioner, Goojerat.	2nd November 1865.
Assistant Surgeon N. B. Baillie, Medical Department.	2nd November 1865.

No. 1030 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Lieutenant H. C. Fagan, of the Bengal Staff Corps, on leave for twenty months, Government General Order No. 918 of the 6th October 1865.	"British Princess," 21st October 1865.
Lieutenant H. E. Eliot, General List, Infantry, on leave for twelve months, Government General Order No. 922 of the 10th October 1865. Lieutenant C. J. Durand, late 14th Regiment Native Infantry, on leave for twenty months, Government General Order No. 924 of the 10th October 1865. Captain (Brevet Major) G. D. Aguilar, of the late 4th Regiment Native Infantry, 2nd in Command, and Wing Officer, 21st Regiment (Punjab) Native Infantry, on leave for twenty months, Government General Order No. 927 of the 10th October 1865.	"Delhi," 10th October 1865.
Lieutenant R. Atkins, late 48th Native Infantry, Doing-duty Officer, 15th Bengal Cavalry, on leave for twelve months, Government General Order No. 988 of the 3rd November 1865.	"Meinam," 4th November 1865.
Surgeon A. Young, of the Medical Department, Assistant Commissioner, Oude, on leave for twenty months, Government General Order No. 988 of the 3rd November 1865.	"Bengal," 21st October 1865.

No. 1031 *of* 1865.—The under-mentioned Soldier, of Her Majesty's Service, is permitted to reside and draw his pay in India as an out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension.

Private John E. Lavers, 101st Royal Bengal Fusiliers.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

NOTIFICATION.

The 9th November 1865.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Officers and Warrant Officers on the dates specified, were received in the Military Department during the month of September 1865.

Corps.	Rank and Names.	Date of decease.	Place of decease.
Royal Artillery ...	Captain M. H. Fitzmaurice ...	3rd August 1865..	Landour.
23rd Foot ...	Assistant Surgeon R. W. Lawless ...	18th ditto ...	Parisnauth.
51st Foot ...	Captain E. D. Oliver	1st ditto ...	Nundkote.
82nd Foot ...	Captain J. F. Pilkington	28th ditto ...	Calcutta.
88th Foot ...	Lieutenant F. M. M. Mapleton ...	17th ditto ...	Cawnpore.
2nd Battn. Rifle Bde.	Lieutenant G. Rogers	4th ditto ...	Landour.
3rd ditto ditto ...	Captain and Pay Master J. Gough ...	29th July 1865 ...	Attock.
Staff Corps ...	Captain W. G. B. Tyler	20th August 1865..	Lullutpore.
Ditto	Captain G. W. Manson	16th ditto ...	Mooltan.
Bengal Cavalry ...	Lieutenant Colonel W. A. A. Thomson ...	3rd ditto ...	Calcutta.
Bengal Infantry ...	Major General Sir S. Corbett, K. C. B	1st ditto ...	Nynee Tal.
General List, Infantry..	Lieutenant R. Shakespear	12th ditto ...	Calcutta..
Medical Department ...	Assistant Surgeon M. J. S. Perreau	12th ditto ...	Fort Daling, Bhootan.
Sub-Medical Dept. ...	Apothecary J. Taylor	13th ditto ...	Bograh.
Ditto ...	Hospital Steward W. Byrns.	1st ditto ...	Saugor.

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers, as specified in the Statement published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of September 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling	Rate of Exchange.
	Commissioned and Warrant Officers.						Rs. A. P.		Rs. A. P.	Rs. A. P.				
6th Sept. 1865	(a) G. E. Rose ...	Capt. & Bt. Major	3rd Bn. Brigade ...	...	6th Mar. 1865	Intestate	118 5 6	..	118 5 6	41 2 5 * / 77 3 1 †				
" " "	(b) H. T. Pollock ...	Captain ...	Late 35th Regt N. I. ...	...	29th Apl. 1863	Ditto	100 0 0	...	100 0 0	100 0 0				
" " "	(c) Arthur Lushington ...	Lieutenant ...	Late 5th Bl. Eur. Cavy. Doing-duty with 15th Bengal Cavalry ...	...	26th Oct. 1864	Ditto	1,051 3 8	...	1,051 3 8					
" " "	(d) Charles Littledale ..	Ditto ...												
7th " "	(e) Henry Phillpotts ...	Captain ...	Bengal Staff Corps ...	...	1st June 1865	Ditto	6,593 9 6	...	6,593 9 6					
13th " "	(f) Owen Davies ...	Ditto ..	1st Battalion 11th Foot ...	...	6th " "	Not known	998 12 3	...	998 12 3					
16th " "	(g) George McDowell ...	Lieutenant ..	Veteran Establishment ...	...	18th " "	Intestate	106 1 6	...	106 1 6					
21st " "	(h) John Nelson Thomas ...	Major and Brevet Lieut.-Colonel ...	Late 39th Bengal N. I. ...	...	21st Mar. "	Ditto	2,300 0 0	...	2,300 0 0					
" " "	(i) William Adam Anstruther Thomson ...	Lieut.-Col., Agent GovernorGeneral, Moorshedabad ...	Late Bengal Cavalry ...	...	3rd Aug. "	Testate	5,805 0 0	...	5,805 0 0					
23rd " "	(j) William Adam Anstruther Thomson ...	Lieut.-Col., Agent GovernorGeneral, Moorshedabad ...	Ditto ...	..	" " "	Ditto	1,570 0 0	...	1,570 0 0					
" " "	(k) William Adam Anstruther Thomson ...	Lieut.-Col., Agent GovernorGeneral, Moorshedabad ...	Ditto ...	...	" " "	Ditto	650 0 0	...	650 0 0					
" " "	(l) Ditto ...	Ditto ...	Ditto ...	...	" " "	Ditto	1,300 0 0	...	1,300 0 0					
" " "	(m) John Nelson Thomas ...	Major and Brevet Lieut.-Colonel ...	Late 39th Bengal N. I. ...	...	21st Mar. "	Intestate	350 0 0	...	350 0 0					
	Carried over, Rs. ...	.....	.....	...	.....	...	20,943 0 5	...	20,943 0 5					

(a) Next of kin, widow Mrs. Maria Theresa Rose.
(b) Next of kin, Ann Pollock, Viceroy Place, Monkstown Kingstown, Dublin, credited to Lucknow Prize Fund in further part.
(c) Next of kin, A Littledale, Esq., late of the Bengal Civil Service. Address—The Hayes Prestbury, near Cheltenham, Gloucestershire, England.
(d) Widow, Mrs. Adelaide Matilda Sophia Phillpotts, children Henry Eden and Cecil Arthur.
(e) Widow, Mrs. Jane Davies, and seven children.
(f) Next of kin, Rachel Shea.
(g) Widow, Mrs. Caroline Letitia Thomas, and six children.
(h) Widow, Mrs. Isabella Eliza Anstruther Thomson, and two children.
(i) Widow, Mrs. Isabella Eliza Anstruther Thomson, and two children.
(j) Widow, Mrs. Isabella Eliza Anstruther Thomson, and two children.
(k) Widow, Mrs. Isabella Eliza Anstruther Thomson, and two children.
(l) Widow, Mrs. Caroline Letitia Thomas, and six children.

* In adjustment of advance from Simla Treasury.

† In adjustment of advance from Agra Treasury.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers, &c.,—continued.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling	Rate of Exchange.
							Rs. A. P.		Rs. A. P.					
	Brought forward, Rs. ...	.....	.....	...	.....	...	20,943 0 5	...	20,943 0 5					
	Non-Commissioned Officers and Soldiers.													
7th Sept. 1865	(*a*) Thomas Kennilley ...	Private ...	Infy. Co., Eur. Invalid Bn.	476	24th July 1865	Intestate	18 13 0	...	18 13 0					
8th „ „	(*b*) John Gill	Sergeant ...	H. M.'s 48th Regt. Comst. Dept.	...	6th June „	Ditto	24 15 5	...	24 15 5					
	Total, Rs. ...	.....	.....	...	.....	...	20,986 12 10	...	20,986 12 10					

(*a*) Next of kin, not known.

(*b*) Parents used to live in Great Russell Street, Northampton.

FORT WILLIAM;
PAY OFFICE,
The 30th September 1865.

FREDCK. C. INNES, *Major,*
For Presidency Pay Master.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 393.

ESTABLISHMENT.

Fort William, the 7th November 1865.

NOTIFICATIONS.

The under-mentioned Officers have been appointed to officiate as Superintending Engineers of the 2nd Class, 2nd Grade, in Bengal, temporarily, with effect from the dates they took charge of their respective Circles:—

Captain C. J. Mead, R. A., Executive Engineer, 1st Grade, Bengal, pending the arrival of Captain deBourbel, R. E.

Mr. J. O'Flaherty, Executive Engineer, 2nd Grade, Bengal, pending the arrival of Captain Stanton, R. E.

No. 394.

Jahangirjie Nussurwanjie is appointed to the Public Works Department as an Accountant, 4th Grade, on probation, with effect from 1st May 1865, and posted to Rajpootana.

No. 395.

Mr. J. M. Algie, Assistant Engineer, 3rd Grade, attached to the Embankment Division, British Burmah, has been granted one month's privilege leave with effect from 3rd ultimo.

No. 396.

The 10th November 1865.

Mr. J. M. Span, C. E., Assistant Engineer, 1st Grade, attached to the Kamptee Division of Public Works, Central Provinces, was appointed to Officiate as Assistant to the Chief Engineer and Assistant Secretary to the Chief Commissioner, Central Provinces, Public Works Department, with effect from the 6th September 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rs. 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

Notice is hereby given that the lower Halves of the under-mentioned Government Promissory Notes endorsed by Heeraloll in favor of the Executive Commissariat Officer, Kussowlie, have been lost in transmission from this Office to the Bank of Bengal at Calcutta. An application has this day been made for the issue of new Notes in lieu of those lost:—

4 per cent. Note No. 8142 of 16159 of 1835-36 for Rs. 500.
4 per cent. Note No. 7795 of 16651 of 1835-36 for Rs. 500.

T. H. SIBLEY, *Major,*
Assistant Commissary General.

EXE. COMMT. OFFICE,
KUSSOWLIE,
4th November 1865.

LOST OR STOLEN.

A Government Promissory Note No. 8186 of 1842-43, dated 1st February 1843, of 4 per cent. Loan, for Rs. 500 (five hundred), payment of which has been stopped; as also a large bundle of testimonials. Any person giving such information as will lead to the recovery of the above, will be handsomely rewarded by

SHAMA CHURN CHATTERJEE.

or by his constituent, SIB CHUNDER MULLICK.

Nos. 1 and 2, Amratollah Lane, Calcutta.

LOST.

Halves of Currency Notes, Dacca Circle, Nos. $\frac{A}{6}$81165 and $\frac{A}{6}$81166, for Rs. 10 each. Payment has been stopped at the Bank.

W. H. CAREY.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office:—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin

Allahabad Circle Notes for Rs. 1,44,590
Lahore do. „ 1,09,160

(Signed) H. HYDE,
Head Commissioner.

The 4th November 1865.

The Sarawuk, Jaenee Hindustan Banking and Trading Company, "Limited."

Notice is hereby given that Pundit Sew Chunder has been removed from the post of temporary Deputy Manager of the above Bank at Delhi, and has no longer power to sign any documents in the Bank's name.

Lallah Chooney Lall has assumed charge of the Agency, and has power to transact any business connected with the Bank.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

STATEMENT of Government Promissory Notes enfaced for Payment of Interest in London showing the Total Amount outstanding according to the Registers received in this Office up to 20th October 1865.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement, dated 10th October 1865 ...	10,85,400	53,000	300	26,09,400	25,19,700	1,12,72,400	82,90,500	36,42,200	5,26,02,200	2,91,23,500	27,600	16,000	11,12,42,200
ADD—													
Amount enfaced at Madras as per Registers received up to date	15,900	...	...	...	3,400	60,600	57,800	10,000	11,800	30,000	...	. .	1,89,500
Amount enfaced at Bombay as per do. do. do. ...	3,200	...	...	...	...	...	...	12,000	20,500	...	...	...	37,500
Amount enfaced at Calcutta up to date	70,900	...	...	...	...	7,700	12,100	37,800	56,000	1,18,000	...	...	3,02,500
Total ...	11,75,400	53,000	300	26,09,400	25,23,100	1,13,40,700	83,60,400	37,02,000	5,26,90,500	2,92,71,500	27,600	16,000	11,17,69 900
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	5,200	...	...	3,68,400	72,000	56,000	1,000	3,800	4,57,400	1,15,000	...	..	10,78,800
Total ...	11,70,200	53,000	300	22,41,000	24,51,100	1,12,84,700	83,59,400	36,98,200	5,22,33,100	2,91,56,500	27,600	16,000	11,06,91,100

FORT WILLIAM;
LOAN OFFICE,
The 25th October 1865.

R. P. HARRISON,
Comptroller General of Accounts.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XIV, corrected in the Office of the Adjutant General, will be ready in a few days. Price five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA, 6, *Bankshall Street.* } O. T. CUTTER, *Publisher.*

COMMISSARIAT NOTICE No. 6.

Sealed Tenders will be received by the Executive Commissariat Officers, Dinapore and Hazareebagh, up to 4 P. M. of the 1st December 1865, for the supply of the under-mentioned articles be contract for one year, commencing from 1st February 1866, and will be opened by them in their Offices on the following day at noon in presence of Tendering parties who may choose to attend.

Parties desirous of tendering, will be furnished with all particulars on application to the above Officers.

Rice.
Sugar.
Barrack Bedding.
Hospital Clothing.
Cattle Gear.

W. G. SMITH, *Lieut.*,
Sub-Asst. Commy. Genl.

DINAPORE; EXE. COMMT. OFFICE, *4th November* 1865. }

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.
LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.
LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.
LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.
LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.
LALLAH BARROOMULL, of Saharunpore, Zemindar.
PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 31.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, NOVEMBER 11, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

Inprovement of the Navigation of the Hooghly.

PUBLIC WORKS. INDIA OFFICE;

No. 49. *London, 30th September* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

Para. 1. With reference to your Excellency's Despatch dated July 1st (No. 46) of 1864, I have now to inform you of the steps that have been taken, with my sanction, in connexion with Mr. Leonard's mission to Europe, and with a view to his devising a scheme of operations for the improvement of the River Hooghly.

2. Last November permission was granted to Mr. Leonard to visit the principal works at the mouths of rivers in England and on the continent, and he accordingly inspected the works on the Danube between Galatz and the Black Sea; those for the improvement of the Mallamocca entrance of the Port of Venice; those for the improvement of the Vistula, the Rhine, and the lower part of the Adour, and those on the Tees, Wear, Clyder and Tyne. After the experience thus acquired, Mr. Leonard has submitted a report on the Rive, Hooghly, accompanied by 33 plans and drawings.

3. Mr. Leonard's original Report, with the plans and drawings, together with 100 printed copies, will be transmitted to you by the first opportunity, and one printed copy is herewith enclosed. As soon as the engravings which are necessary for the illustration of the printed Report are completed, they will follow. The Report is divided into two sections, one giving a description of the Hooghly, and the other proposing works of improvement. The two Appendices contain a specification for the steam tug to be used in scraping the shoals, and an opinion by Sir Charles Hartley. After showing that two former suggestions for improving the navigation of the Hooghly are impracticable—namely, to shut off the fresh water-supply altogether, and thus remove the silting power, and to admit more fresh water from the Ganges, and so improve the scouring power, Mr. Leonard proceeds to discuss the improvements that are feasible on the lower and upper sections of the river.

4. He points out that the objects to be kept in view, in improving the lower section, are to give fixity to the navigable channels, and to remove the bars from them. The portion of the Hooghly which requires to be narrowed extends from Diamond Point to Saugor Roads, so that the length of the training walls would be 60 miles, and the cost would be over 3,000,000*l*. It is

clear, however, that any such expenditure would be injudicious, seeing that the advantage to be gained is not the admission, but merely the more speedy admission of large ships to Calcutta.

5. But, although the whole estuary could not be dealt with on this system, Mr. Leonard believes that something might be effected which would be very beneficial, and within reasonable limits as to cost. He has drawn up plans for the improvement of the channels by means of groynes, and by stirring the shoals, and he estimates the total cost of his proposed improvements, including the tug steamer and stirring apparatus, at 246,200*l.*

6. It does not appear to me that there would be any advantage in referring Mr. Leonard's Report to any other Marine Engineer, especially as the memoir of Sir Charles Hartley, which accompanies it, affords satisfactory confirmation of Mr. Leonard's views.

7. It will be for your Excellency's Government, after consideration of the proposals contained in the Report, to submit such of the works suggested therein, for adoption, as may appear advisable, with reference to their cost and probable effect. I would suggest, however, that, before attempting anything on a large scale in the way of spurs or groynes, constructed in the manner proposed by Mr. Leonard, it would be well to test the power of such works to stand against the currents of the Hooghly, in positions more or less exposed to their action.

8. In the last paragraph of your Despatch you recommended the construction of a suitable steamer for the work of dredging the bed of the Hooghly, and Mr. Leonard also represented the importance of such a vessel being supplied. I, therefore, authorized that gentleman to procure drawings and specifications from Messrs. Napier, of Glasgow, for a steam tug fitted with the necessary stirring apparatus. Messrs. Napier agreed to complete a first-class iron paddle steam tug, furnished with two sets of stirring apparatus, to be 132 feet long by 25, and 11 feet deep, 329½ tons burden and 200 horse power, for 21,750*l.* The steamer was built under the superintendence of Mr. Leonard, and having been launched last August, received the name of the "Agitator." I subsequently entered into another agreement with Messrs. Napier to deliver the vessel at Calcutta for a further sum of 2,450*l.*, which includes the cost of the crew, provisions, stores, towing, pilotage, and insurance. Copies of these agreements are herewith enclosed.

9. The "Agitator" will have a trial in the Clyde, and the effect of the raking machine will, of course, be tested again on her arrival at Calcutta. Mr. Leonard will return to India as soon as the trial of the "Agitator," which he is superintending, is completed, and you will be duly advised of the date of the vessel's departure on her voyage to India.

I have the honor to be,

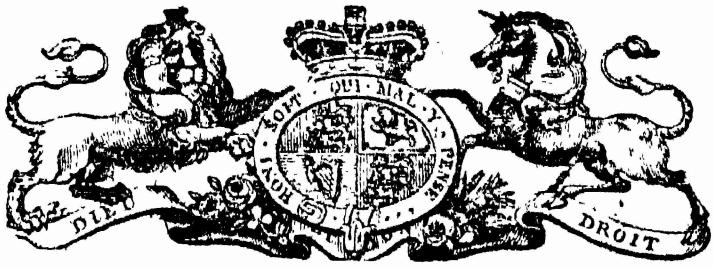
Sir,

Your most obedient, humble Servant,

C. WOOD.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 46.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 18, 1865.

HOME DEPARTMENT.

No. 4289.

Fort William, the 10*th November* 1865.

NOTIFICATIONS.

Mr. F. M. Bird, Civil Service, availed himself, on the 13th of June, of the furlough granted to him.

No. 4290.

The following Supplemental Rule relating to Emigration from the Port of Calcutta has been made by the Governor General in Council under the provisions of Section 63 of Act XIII of 1864, and is published for general information :—

"Full power Steam Vessels and Auxiliary Steam Vessels conveying coolies to Mauritius, shall be provisioned as follows :—

Regular Steamers leaving Calcutta and steaming from Port to Port,	N. E. Monsoon,	for 30 days.
Ditto ditto ...	S. W.	„	for 35	„
Auxiliary Steamers	N. E.	„	for 45	„
Ditto	S. W	„	for 60	„

No. 4291.

The 13*th November* 1865.

The following Circular which was recently issued to the several Governments and Administrations in India is now published for general information, and with a view to elicit the opinions of those who are interested in the matter to which it relates :—

From E. C. BAYLEY, Esq., Secy. to the Govt. of India, Home Dept., to all Local Govts. and Administrations,—Nos. 1247—55, dated Simla, the 22nd August 1865.

Although the Native text-books of Hindú law nowhere recognise a posthumous disposition of property, the validity of a Hindú's Will has long been admitted by our Courts in the Presidencies of Bengal and Bombay. In Madras also, after some fluctuations of opinion, it is now settled that a Hindú's testamentary power is co-extensive with his independent right of alienation *inter vivos*. Liberty of testation is thus thoroughly established throughout peninsular India; and it is understood that the practice of making Wills is beginning to prevail among the Burmese Buddhists, although their law of succession is founded on that of the Hindús. The Muhammadan law recognises the testamentary power which, however, without the consent of the heirs, does not extend to more than one-third of the testator's estate.

In the case of the Hindús and Burmese, the power in question has probably been derived from the English law, and its exercise doubtless produces in India the beneficial effects which it has produced in England and elsewhere, by stimulating the circulation of property and quickening the stagnation of society. But the power has been engrafted on the Hindú system, and is used by the Muhammadans, without any of those securities for its due exercise, such as the requirement of writing, signature, and attestation, which have been found desirable in Europe. Nor are Native testators subject to any restraints such as exist in England in the cases of devises to religious or charitable uses, of postponements of the acquisition of the absolute interest in property, and of prospective accumulations of its income.

Thus the High Court at Bombay has decided that a Hindú's Will need not be attested, and the High Court of Madras has lately declared, in a learned and elaborate judgment, that a Hindú's Will need not be in writing, in other words, that a Hindú may make a valid nuncupative Will, and this without any formalities similar to those required in such cases by European systems of jurisprudence. So Hindú's nuncupative Wills were held valid by the late Supreme Court at Fort William, and are recognised by the present High Court of Judicature for Bengal. Considering the facilities with which frauds in setting up nuncupative Wills are attended (for false swearing is more easy to perpetrate and more difficult to detect than forgery), it may perhaps be doubted whether the benefits above mentioned, arising from the introduction among the Natives of the testamentary power, are not counterbalanced by the

encouragement which its recognition by our Courts at present affords to perjury. Moreover, the same evidence that sets up a false nuncupative Will may practically revoke a true written one. The witness has only to declare that the testator made a nuncupative Will subsequent to the date of the written Will and revoking the latter, and his evidence, if believed, destroys the written Will, however solemnly executed or carefully preserved. Lastly, even in the case of a genuine testamentary disposition by word of mouth, the certainty of writing is replaced by the frailty of memory.

Then, as to the non-existence of restraints on the testamentary power: a Native may now, on his death-bed, when his mind is enfeebled by disease or fear, deprive his nearest relations of self-acquired property which would otherwise have devolved upon them, and bequeath it in accordance with the dictates of his priests, or the promptings of his own superstition. A Native testator, in the absence of anything like what is technically called the rule against perpetuities, may lock up his estate for an indefinite time, and thus obstruct the circulation of property, check the improvement of land, and withdraw capital from its natural employment in commerce. A Native testator may legally create an accumulating trust, absorbing the entire income of property, not merely (as in the well-known Thellusson case) during the full period for which the vesting of property may, according to English law, be protracted, but (for anything to the contrary enacted by the Legislature or laid down by the Judges) for the full time expressed by the Native formula of limitation, 'so long as moon and sun endure.' Thus in the case of a bequest to the testator's family idol, with directions that, after its expenses are paid, the surplus shall belong to certain persons and their descendants in the male line as a joint family, and that none of these heirs shall have power to alienate, the Privy Council has held that such a testamentary disposition is effectual, although the family may obviously remain undivided for ever. There is reason to fear, too, that under color of a bequest to religious uses, a Hindú often not only enjoys property but trades with it, without his beneficial interest being subject to the just demands of his creditors. It may be that the creditors would have a right to come against the surplus income of the property after providing thereout for the expenses of the idol. But the ascertainment of what ought to be allowed for such expenses is generally a matter of such difficulty as practically to reduce that right to a nullity.

Again, a Native's Will, not requiring to be proved, need not be deposited for safe custody. The resulting opportunities for forgery and fraudulent alteration are obvious. Nor can a Native executor be compelled to exhibit an inventory or account of his testator's estate, except by the tedious, expensive, and hazardous process of a lawsuit. The consequence is, where the estate is too small to bear the costs of the suit, that women, children, and absentees have no adequate check on the executor, and, at any distance of time, it is difficult to fix him with the possession of moveable and sometimes even of immoveable property.

Lastly, the character and ex-officio powers of a Native executor seem to be by no means clearly defined. The High Court of Bengal has lately held on appeal that he has no greater power over immoveable property than a Manager. Now the powers of a Manager, as declared by the Privy Council in a case to which the High Court refer, are limited and qualified, and in the case of a mortgage, the lender is bound to enquire into the necessity for the loan, and to satisfy himself, as well as he can, with reference to the parties with whom he is dealing, that the Manager is acting in the particular instance for the benefit of the estate. If this be so in the case of a mortgage or conditional sale, *à fortiori*, it must be so in the case of an absolute sale. It is unnecessary to dwell on the difficulties which this doctrine imposes on all persons dealing with Hindú executors.

The Indian Succession Act, 1865, contains provisions on all these subjects, expressed in language of remarkable clearness and simplicity.

As to the execution of Wills, it provides (Section 50) that the testator (who must have completed the age of 18, and be of sound mind) shall sign the Will, or that it shall be signed by some other person in his presence and by his direction, and that the Will shall be attested by at least two witnesses, each of whom must sign it in the presence of the testator. To preclude the danger of allowing the Will to be supported by the testimony of persons beneficially interested in its contents, the Act declares (Section 54) that a bequest to an attesting witness, or his or her, wife or husband, shall be void.

As to revoking Wills, the Act (Section 57) provides that no Will shall be revoked otherwise than (*a*) by the marriage of the testator; (*b*) by another Will or Codicil; (*c*) by a writing declaring an intention to revoke, and executed as a Will is required to be executed; or (*d*) by burning, tearing, or otherwise destroying the Will with the intention of revoking it.

Section 101 restricts the power of creating successive interests in property by declaring that "no bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the life-time of one or more persons living at the testator's decease, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing bequeathed is to belong."

A direction to accumulate the income to arise from any property is declared (Section 104) to be void, except in the case of immoveable property, or where the accumulation is to be made from the death of the testator. In either of these cases the direction is valid in respect only of the income within the year next after the death.

As to bequests to religious or charitable uses, the Act provides (Section 105) that no one having a nephew or niece or other nearer relative, shall have power to make such bequest, except by Will executed not less than twelve months before his death, and deposited, within six months from its execution, in the place provided by law for the custody of the Wills of living persons.

The Act impliedly requires every Will to be proved by declaring (Section 187) that no right, as executor or legatee, can be established unless probate of the Will shall have been granted. And Section 259 provides that all original Wills, of which probate may be granted, are to be preserved among the records of the Court until some public registry for Wills is established.

Within six months of the grant of probate the executor must exhibit in Court an inventory containing a full and true estimate of the deceased's property, and must, in like manner, within one year from the grant, exhibit an account of the estate, showing the assets that may have come to his hands, and the manner in which they have been applied or disposed of (Section 277).

Lastly, the character and powers of an executor are clearly defined. He is the legal representative of the deceased for all purposes, and all the deceased's separate property vests in him as such (Section 179). He has the same power to sue in respect of all causes of action that survive the deceased, and to distrain for all rents due to him at the time of his death, as the deceased had when living (Section 267). And he may dispose of the deceased's property, either wholly or in part, and whether moveable or immoveable, in such manner as he shall think fit (Section 269).

Section 331, however, excludes the Hindús, Muhammadans, and Buddhists from the benefit of these provisions, as well as from that of having the series of simple rules contained in Part XI of the Act, applied to the construction of their Wills.

I have been desired to submit the foregoing remarks for ——— consideration ———, and to request that ——— after consultation with such persons as ——— may deem best capable of advising on such a matter, ——— will favor the Government of India with ——— opinion as to the expediency of extending to the Hindús, Muhammadans, and Buddhists, or any and which of them, such parts of the Indian Succession Act, 1865, as relate to Testamentary Succession, including in this phrase all that relates to the execution, revocation, interpretation, and probate of Wills, and the limitation of the exercise of the testamentary power. You will understand that it is not proposed to increase in any respect the testamentary power possessed by Natives, nor to give it to any Natives (if such there be) who do not at present possess it; but only to provide rules calculated to insure its being exercised beneficially to the community, and satisfactorily to the surviving relatives of individual testators.

No. 4292.

The 14th November 1865.

The Governor General in Council is pleased to extend Section 34 of Act V of 1861 to the town of Argaon, in the Akola District of the Hyderabad Assigned Districts.

No. 4293.

The under-mentioned gentlemen, appointed by the Secretary of State for India Members of Her Majesty's Civil Service on the Bengal Establishment, reported on the 3rd instant their arrival at the Sandheads on the 1st idem, viz. :—

Messrs. Henry Pilkington Mulock, William Blennerhassett, and Anthony Patrick MacDonnell.

No. 4294.

The 15th November 1865.

The Revd. H. B. Burney, of the Bengal Ecclesiastical Establishment, has been granted by the Right Hon'ble the Secretary of State an extension of leave on private affairs, without pay, to the end of February next.

The Revd. W. B. Drawbridge, of the same Establishment, has been permitted to return to his duty by the Steamer of the 20th November.

No. 4295.

Mr. W. E. Ward to officiate temporarily as Under Secretary to the Government of India in the Home Department.

Mr. Ward assumed charge of his duties on the orenoon of this date.

No. 4296.

The under-mentioned Naib Tehseeldars in the Central Provinces are invested with the powers described in Section 6 of Act XIV of 1865, to be exercised within the limits of their respective Tehseelees :—

Sudasheo Mahiput, Naib Tehseeldar of Ramtek, Nagpore District.

Mahomed Ali, Naib Tehseeldar of Hurda, Hoshungabad District.

No. 4297.

The 16th November 1865.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. L. R. Tottenham, of the Civil Service, who returned from furlough on the 2nd instant.

No. 4298.

The 17th November 1865.

APPOINTMENTS.

Mr. H. A. P. Smith, Officiating Assistant District Superintendent of Police, to officiate as District Superintendent of Police, Sultanpore, during the absence on leave of Captain Procter, or until further orders.

Mr. Smith assumed charge of the Office on the forenoon of the 31st ultimo.

No. 4299.

Mr. R. D. Nuthall, Superintendent of Elephant Kheddas, Belaspore, is appointed an Honorary Magistrate in the Central Provinces, and is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861, to be exercised within the limits of the Mahtin, Ooprorah, Lafa, and Choonee Zemindaries.

No. 4300.

The under-mentioned District Superintendents of Police and Assistant District Superintendents of Police in the Central Provinces, are invested with the powers of a Magistrate as described in Section 6 of Act V of 1861 :—

District Superintendents.

Major G. G. Moxon.
Captain F. G. Stuart.
" F. A. Dickens.
" S. S. Sutherland.
Mr. J. Higgins.
Captain C. S. B. Walton.
Mr. J. M. Berrill.
Captain J. D. Vallance.
" T. E. L. Higginson.
Mr. J. C. Duff.

Captain T. E. Vandergucht.
„ H. V. Matthias.
Lieutenant H. A. Hammond.

Assistant District Superintendents.

Davee Pershad.
Mr. M. P. Hanken.
Lieutenant R. W. E. Burrowes.
„ J. B. Taylor.
„ H. Martin.
Mr. A. G. Grote.
„ C. T. Anderson.
Lieutenant O. M. Bradshawe.
„ W. Miller.

No. 4301.

Under Section 12 of Act II of 1857, the Governor General in Council is pleased to authorize the affiliation in Arts of Bishop's School, Simla, to the Calcutta University, with effect from the 1st of January 1866.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Judicial.

No. 421.

Fort William, the 15th November 1865.

The Governor General in Council is pleased to appoint Mr. Numboor Krishina, 2nd Judge of the Small Cause Court in Mysore, to be Registrar General for Mysore and Coorg, in addition to his present duties.

Military.

No. 352.

The 15th November 1865.

Assistant Surgeon F. W. DeFabeck, of the Deolee Irregular Force, has obtained sixty days' privilege leave from the 5th instant, or from the date he may avail himself of it.

No. 957.

Political.

The 15th November 1865.

His Excellency the Governor General in Council has been pleased to appoint Major R. M. S. Annesley, of the Bengal Staff Corps, to be Commissioner for laying down the boundary between the Central India and Rewah Kanta Agencies.

No. 961.

The 16th November 1865.

In Notification No. 742, dated 30th August last, regarding the recognition of Mr. Chenon as Consul for France at Bombay, for "Mr. Chenon," read "*Mr. Thenon.*"

General.

No. 2170.

The 11th November 1865.

Captain H. A. Prinsep, late 3rd European Regiment, is appointed to officiate as Assistant Resident at Nipal, vice Captain C. C. Taylor, who has obtained leave on medical certificate.

No. 2187.

The 15th November 1865.

Major F. E. A. Chamier, Settlement Officer of Durriabad, in Oudh, returned from the two months' privilege leave granted to him in G. O. No. 1570, dated 31st July last, and resumed charge of his office on the afternoon of the 29th ultimo.

No. 2188.

Moulvie Ullee Hoosein Khan, Extra Assistant Commissioner, Settlement Department, Pertabghur, has obtained one month's privilege leave from the date he may avail himself of it.

No. 2189.

Baboo Nobin Kristo Bose, Extra Assistant Commissioner of Saugor, has obtained two months' leave on private affairs, in extension of the three months' leave granted to him in G. O. No. 1560 of 27th July last.

No. 2190.

Lieutenant K. J. L. Mackenzie, Assistant Commissioner, Oomraotee District, has obtained 15 days' privilege leave from the 6th instant, or from the date he may avail himself of it

No. 2191.

The under-mentioned Officers of the Mysore Commission have passed the examination prescribed for Assistants in that Province :—

In the Higher Standard.

Captain H. G. Thomson
„ C. A. Benson
„ A. W. C. Lindsay
Lieutenant E. Shaw } With credit.
„ E. P. Maltby.

In the Lower Standard.

Lieutenant E. S. Ludlow
„ C. S. Blair } With credit.

Captain Lindsay has likewise passed the examination in Canarese prescribed for Assistants attached to the Commission.

No. 2193.

The following Officers of the Oude Commission have passed the prescribed examination for Assistant Commissioners :—

For the Higher Standard.

Mr. A. F. Millet, Assistant Commissioner (with credit).

Mr. J. Woodburn, Assistant Commissioner.
„ H. S. Boys, ditto.
Dhowkul Persaud, Extra Assistant Commissioner.
Neeaamut Ali Khan, ditto.
Inayutoolla Khan, Tehseeldar.
Lalla Sheopersaud, ditto.

For the Lower Standard.

Mr. J. M. C. Steinbelt, Assistant Commissioner (with credit.)
Noubut Rai, Tehseeldar.
Ulee Buksh, ditto.
Mahomed Ukhur, ditto.

No. 2194.

The services of Mr. A. Colvin, Officiating Under Secretary to the Government of India in the Foreign Department, are replaced at the disposal of the Government N. W. Provinces.

Mr. Colvin made over charge of the Office of Under Secretary to Mr. J. Talboys Wheeler, Assistant Secretary, on the afternoon of the 14th instant.

No. 2196.

Mr. W. M. Low, Deputy Commissioner of Nagpore, has obtained three months' privilege leave from 1st March 1866, or from the date he may avail himself of it.

No. 2204.

The 16th November 1865.

Captain R. A. Cole assumed charge of the office of Cantonment Magistrate and Superintendent of Police, Bangalore, from Captain W. Hill, on the afternoon of the 17th ultimo.

No. 2205.

The 17th November 1865.

Captain H. G. Thomson, Officiating Deputy Superintendent of the Hassan District, resumed charge of his office on the 21st ultimo.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2928.

Fort William, the 13th November 1865.

NOTIFICATIONS.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Returns.	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Gold Coin Reserve.	Silver Bullion Reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1865.							
Nov. 4th	Calcutta Circle ...	3,19,18,230	69,09,061	5,28,420	86,00,000	1,54,70,019	4,10,730
" "	Allahabad Branch ditto ...	31,86,960	20,82,959	710	...	11,03,291	...
" "	Lahore ditto ditto ...	42,80,320	35,80,283	...	...	7,00,037	...
" "	Nagpore ditto ditto ...	22,64,220	17,16,339	...	...	5,47,881	...
" "	Madras Circle ...	56,00,000	22,72,155	...	...	30,02,845	3,25,000
" "	Calicut Branch ditto ...	6,44,610	5,44,610	...	...	1,00,059	...
" "	Trichinopoly ditto ditto ...	4,08,420	3,08,361	...	...	1,00,059	...
" "	Vizagapatam ditto ditto ...	4,43,530	3,43,471	...	...	1,00,059	...
" "	Bombay Circle ...	2,96,00,000	55,51,718	...	39,70,000	1,86,78,282	14,00,000
" "	Kurrachee Branch ditto ...	22,05,550	22,05,480	70	...	...	...
		8,05,51,840					21,35,730
	Deduct Notes of other Circles cashed at Calcutta, Madras, and Bombay.	21,35,730					
	Total ...	7,84,16,110	2,55,14,437	5,29,200	1,25,70,000	3,98,02,532	

DEPARTMENT OF ISSUE OF PAPER CURRENCY,
CALCUTTA,
Dated 7th November 1865.

(Signed) H. HYDE,
Head Commissioner, Department of Issue of Paper Currency.

No. 2948.

The 15th November 1865.

Mr. L. C. Probyn has been permitted by the Right Hon'ble the Secretary of State for India to return to India on the 12th October 1865 from Marseilles, without prejudice to his appointment.

No. 2999.

The 17th November 1865.

Mr. R. P. Harrison, Comptroller General of Accounts, has been allowed privilege leave for two months, commencing from the 9th proximo.

Mr. E. F. Harrison, Accountant General, North-Western Provinces, (on special duty at the Presidency,) to officiate as Comptroller General of Accounts, during Mr. R. P. Harrison's absence.

No. 3004.

Mr. L. C. Probyn, Accountant General of the Punjab, reported his return to India by Steam Ship Simla, on the 9th instant.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 13th November 1865.

No. 1032 *of* 1865.—Lieutenant C. A. Baylay, Royal Artillery, appointed by Government General Order No. 10 of 5th January 1865 to the Hazara Mountain Train Battery, Punjab Frontier Force, in order to qualify himself for admission to the Staff Corps, is transferred to the Peshawur Mountain Train Battery.

No. 1033 *of* 1865.—Major A. Elderton, of the Bengal Staff Corps, Pay Master, Meerut Circle, is removed from that appointment.

No. 1034 *of* 1865.—With reference to Government General Order No. 567, dated 6th June 1865, His Excellency the Governor General in Council is pleased, under instructions from the Right Hon'ble the Secretary of State for India, to direct the publication of the following Royal Warrant and Horse Guards' Circular Memorandum, the provisions of which are made applicable to India :—

Circular No. 872.—(*Allowances to Discharged Soldiers.*)

HOME AND FOREIGN.

VICTORIA R.

19
Gen. No.
144

Whereas it has been represented to Us that it is expedient to alter the provisions of Article 44, page 24 of our Royal Warrant of 1st July 1848, which granted an allowance of 1*s.* a day for twenty or twenty-five days to discharged men :

Our Will and Pleasure is, that henceforth soldiers who, at the expiration of their term of enlistment, take their discharge at home or abroad, under the "Limited Enlistment Acts," or who are granted a free discharge as an indulgence under Our Royal Warrant, shall only be entitled to an allowance of 1*s.* a day as subsistence money for five days from the date of discharge.

Soldiers who may henceforth be discharged, either to pension (whether permanent or temporary), or with a gratuity, or on reduction, shall receive an allowance of 1*s.* a-day for twenty days, whether discharged in Great Britain, or Ireland, or abroad.

In case any soldier shall be entitled to a higher rate of pension than 1*s.* a day, he shall, together with the first issue of pension made to him, receive the difference between the allowance of 1*s.* and his rate of pension for twenty days.

No such allowance is admissible for soldiers discharged by purchase, or for bad conduct; they will continue to be dealt with under Our Royal Warrant of 1st July 1848.

Given at Our Court at St. James's, this 17th day of August 1864, in the twenty-eighth year of our Reign.

By Her Majesty's Command,
DE GREY AND RIPON.

CIRCULAR MEMORANDUM.

Addressed to the Army at Home and Abroad.

HORSE GUARDS, S. W.,
26th May 1865.

Discharges.
General Number 841. 4—(1865.)

With reference to the Royal Warrant dated 17th August 1864, Circular No. 872, HIS ROYAL HIGHNESS the Field Marshal Commanding-in-Chief desires it to be notified that The Secretary of State for War has consented that all time-expired men who are willing to re-engage, but are not permitted to do so on account of their physical unfitness, shall receive the allowance of twenty shillings, but that those men who are ineligible for re-engagement, on account of their past conduct, shall receive five shillings only.

The grant of the higher allowance cannot, however, be extended to the cases of men who are unfit both physically and on account of their bad character, especially when the physical unfitness is the result of their own misconduct.

Such men will be held to have been rejected on account of their conduct, and will receive five shillings only; but as the issue of 5*s.* or 20*s.* will depend solely upon the *cause assigned in the Discharge* for rejection, HIS ROYAL HIGHNESS enjoins Commanding Officers to exercise especial care in dealing with such cases.

With this view the Regimental Board will, in deserving cases, state in both the discharge documents that the cause of discharge is "in consequence of being prevented by disability from re-engaging." But in cases of rejection on account of conduct, the cause of rejection will appear in the "proceedings" only,—the parchment certificate stating "his limited service having expired."

By Command of His Royal Highness
The Field Marshal Commanding-in-Chief;
JAMES YORKE SCARLETT,
Adjutant General.

The 14th November 1865.

No. 1035 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
7th Bengal Cavalry.	Ressaidar and Wordie Major Mahomed Hossain Khan.	Ressaldar ...	5th Sept. 1865	Shadul Khan, deceased.
	Ressaidar Meer Ahmud Ali ...	Appointed Wordie Major.		Mahomed Hossain Khan, promoted.
	Naib Ressaldar Shaick Kumroodeen	Ressaidar ...		Meer Ahmud Ali, appointed Wordie Major.
12th (The Khelat-i-Ghilzie) Regt. Native Infantry.	Jemadar Sookha	Subadar ...	1st July "	Omaid Khan, invalided.
	Ditto Dwarka Doobay ...	Ditto ...	" "	Sewlall Tewarry, invalided.
	Havildar Noor Buksh	Jemadar ..	" "	Sookha, promoted.
	Ditto Nundram	Ditto ...	" "	Dwarka Doobay, promoted.
	Ditto Moshuruff Khan ...	Ditto ...	" "	Nujjuff Allie, invalided.

No. 1036 *of* 1865.—Assistant Apothecary James Alexander Simon Ellis is permitted to resign his situation in the Subordinate Medical Department.

No. 1037 *of* 1865.—His Excellency the Governor General in Council is pleased to notify for general information the following appointments in the Oudh Volunteer Rifle Corps, in supersession of those announced in Government General Order No. 778 of the 10th August 1865, which is hereby cancelled :—

OUDH VOLUNTEER RIFLE CORPS.

Commandant.

Lieutenant Colonel L. Barrow, C. B., of the Madras Staff Corps.

OFFICERS OF COMPANIES.

Senior or Lucknow Company.

Captain Mathew Rutland Joyce.
Lieutenant Thomas Davis.
Ensign Dan Burgess.

Martiniere or Cadet Company.

Lieutenant Henry Stobart.

The nomination of the Officers above named to Companies has been made, subject to their passing an examination in drill before the Inspecting Officer.

No. 1038 *of* 1865.—His Excellency the Governor General in Council having determined that the post of Kote Duffadar in Regiments of Native Cavalry shall in future be considered an appointment, and not a grade, it is hereby notified that the difference of pay between Duffadar and Kote Duffadar will, in all future appointments to the latter post, constitute the staff salary of the Kote Duffadar.

Under the above ruling, the number of effective Duffadars in each Troop of Native Cavalry will eventually be 9, one of whom will hold the staff situation of Kote Duffadar.

No. 1039 *of* 1865.—The Head Quarters of Her Majesty's 41st Foot, arrived in the Ship "Winchester," is brought on the Establishment of the Bengal Presidency from date of landing.

Army Commissariat Department.

No. 1040 *of* 1865.—Consequent on Major W. C. R. Mylne, Deputy Assistant Commissary General, 2nd Class, and Acting Deputy Assistant Commissary General, 1st Class, having proceeded on sick leave to Europe, Captain J. Graham, Deputy Assistant Commissary General, 2nd Class, who has returned from sick leave to Europe, is promoted to act as Deputy Assistant Commissary General, 1st Class, from the date he rejoined the Department, viz., 3rd instant.

No. 1041 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following arrangements in the Department of the Adjutant General until further orders, consequent on the departure for Europe of Colonel E. Haythorne, and his vacation of the appointment of Adjutant General, with effect from the 12th instant :—

Colonel D. M. Stewart, Deputy Adjutant General, to officiate as Adjutant General.

Major G. L. Fraser, Officiating 1st Assistant Adjutant General, to officiate as Deputy Adjutant General.

Major G. E. Holmes, Assistant Adjutant General, to officiate as 1st Assistant Adjutant General.

Lieutenant Colonel S. J. Hire will continue to officiate as Deputy Assistant Adjutant General.

No. 1042 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel Colin Mackenzie, of the Madras Staff Corps. } For 20 months.

Major John Louis Nation, of the Bengal Staff Corps, District Superintendent of Police, 1st Grade, Lohardugga.	For 20 months.

No. 1043 *of* 1865.—Jemadar Venketachellum, of the Battery, Madras Native Artillery, is admitted to the 2nd Class of the "Order of British India" with the title of "Bahadoor," with effect from the 7th July 1865, in succession to Pensioned Subadar Major Rungashoye "Bahadoor," deceased.

The 15*th November* 1865.

No. 1044 *of* 1865.—Captain A. W. Capel, of the late 5th European Light Cavalry, is permitted to proceed to the Neilgherry Hills on medical certificate, and to be absent from Bengal on that account for three months, from the 8th instant, under the new Regulations.

No. 1045 *of* 1865.—The services of 2nd Captain E. L. Earle, of the Royal Artillery, are placed at the disposal of the Public Works Department.

No. 1046 *of* 1865.—The services of Captain H. A. Prinsep, of the late 3rd European Regiment, are placed at the disposal of the Foreign Department, with effect from the 11th instant.

The 16*th November* 1865.

No. 1047 *of* 1865.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the dates specified opposite to their respective names, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant William Reeves Bunbury, of Her Majesty's 104th Fusiliers, Paid Doing-duty Officer, East Indian Regiment, Doing-duty Officer, 2nd Regiment Native Light Infantry.	23rd November 1863.
Lieutenant Edward Walker Samuells, of the General List, Infantry, Assistant Revenue Surveyor, Lower Provinces.	5th June 1865.
Lieutenant James Hay, of the General List, Infantry, 2nd Doing-duty Officer, 4th Goorkha Regiment.	14th October 1865.

No. 1048 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following temporary arrangement in the Department of the Quarter Master General during the period

Major Lumsden, Deputy Quarter Master General, and Captain F. B. Norman, Assistant Quarter Master General, may be employed on special service in Bhootan, or until further orders :—

Captain C. J. East, of Her Majesty's 82nd Foot, and Major J. Smith, of the Bengal Staff Corps, to officiate as Deputy Assistants Quarter Master General.

No. 1049 *of* 1865.—The services of Apothecaries Richard Edward Wrafter and James Cameron, of the Subordinate Medical Department, are placed at the disposal of the Government of Bengal.

No. 1050 *of* 1865.—With reference to the Notification issued by the Government of Bengal, dated the 12th instant, the services of Apothecary J. Hart, of the Subordinate Medical Department, attached to the Medical College Hospital, Calcutta, are placed at the disposal of His Excellency the Commander-in-Chief.

No. 1051 *of* 1865.—The under-mentioned out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of pension per diem.
Sergeant Robert Brown, late of Her Majesty's 104th Foot.	2*s.* (two shillings) per diem, from the date on which he ceases to receive Regimental pay or allowances.
Corporal William Hexter, late of the 3rd Battalion Rifle Brigade.	1*s.* 4½*d.* (one shilling four pence and half penny from the date on which he ceases to receive Regimental pay or allowances.
Gunner Joseph Capper, late of the 22nd Brigade Royal Artillery.	1*s.* 3*d.* (one shilling and three pence) from the date on which he ceases to receive Regimental pay or allowances.
Private James Rushworth, late of Her Majesty's 44th Foot.	11*d.* (eleven pence) from the date on which he ceases to receive Regimental pay or allowances.
Sergeant George Clowsley, late of the 24th Brigade Royal Artillery.	2*s.* (two shillings) from the date on which he ceases to receive Regimental pay.

No. 1052 *of* 1865.—His Excellency the Governor General in Council is pleased to publish for general information the following War Office Circular No. 844, dated 23rd November 1863, and to declare its provisions applicable to India:—

Circular No. 844.—(*Service of Soldiers who volunteered from Embodied Militia, of Schoolmasters, and of Musketry Instructors.*)

17
Genl. No.
197.

(HOME AND FOREIGN.)

WAR OFFICE,
23rd November 1863.

Vide Secretary of State's letter of 31st Dec. 1853, and subsequent "Volunteering Instructions" from the Horse Guards.

Questions having arisen as to whether the service, allowed to reckon as "Line Service," by soldiers who volunteered from the Embodied Militia, should count towards discharge, or towards Good Conduct Pay and Pension only, the Secretary of State for War, with the concurrence of His Royal Highness the Field Marshal Commanding in Chief, consents to such men, who had rendered six months' Militia Service previous to volunteering, being allowed to reckon half their Embodied Service, rendered over the age of 18, towards the first period of their Line engagement.

The said half of their embodied service may accordingly be inserted as the first entry in their attestations and register sheets.

This concession is not to be looked upon as in any way modifying the general liability of soldiers to serve out the period for which they are attested, before they can legally claim their discharge; but is granted on the recommendation of the Field Marshal Commanding in Chief, as a special and exceptional boon, to a class of men who, at a time of great national pressure, transferred their services from the Militia to the Regular Army, under an impression that the service they had given in the Militia would be allowed to reckon as a portion of their Line engagement.

Doubts having also arisen as to the proper mode of accounting for the "former service" which Schoolmasters, and men of the Corps of Permanent Instructors of Musketry, are allowed, by regulation, to reckon "towards Pension," the accompanying model records for Schoolmasters, for men of the Corps of Permanent Instructors of Musketry, and for men who volunteered from Embodied Militia, have been prepared for general information and guidance; and Boards of Officers will forthwith be assembled for the purpose of verifying (in accordance therewith) the services of men of the above classes whose records have not hitherto been correctly made out.

EDWARD LUGARD.

No. 1. W. O. FORM 738.

No. 540.—THOMAS ATKINS.

Enlisted for the 6th Regiment of Foot, on the 30th September 1854.

Attested for the said Regiment on 1st October 1854, at the age of 17 years and 6 months.

Regiment.	Promotions, Reductions, Casualties, &c.	Rank.	Period of Service in each Rank. From	Period of Service in each Rank. To	Amount of Service towards G. C. Pay and Pension. Yrs.	Amount of Service towards G. C. Pay and Pension. Days.	Amount of Service towards completion of limited engagement. Yrs.	Amount of Service towards completion of limited engagement. Days.
6th Foot ...	Attested ...	Drummer ...	1 Oct. 1854	31 March 1855		Under	Age	
	....	Private ...	1 April 1855	30 June "	0	91	0	91
	Promoted ...	Corporal ...	1 July "	31 March 1857	1	274	1	274
	Ditto ...	Sergeant ...	1 April 1857	31 Dec. 1858	1	275	1	275
					3	275	3	275
	Discharged on 31st December 1858, by order of General Commanding in Chief, to be re-attested for General Service under the Royal Warrant of 8th April 1856. We certify the above to be a correct statement of the Services of Thomas Atkins to 31st December 1858.							
	Commanding Officer.	Paymaster.		Adjutant.				
	Attested for General Service on 1st January 1859, and posted to Corps of Permanent Instructors of Musketry as 3rd Class Sergeant, his previous service being allowed to reckon towards pension, and under the Royal Warrant of 8th April 1856				3	275		
Corps of Permanent Instructors of Musketry ...	Hythe ...	3rd Class Sergeant ...	1 Jan. 1859	31 Mar. 1860	1	90	1	90
Ditto ...	Attached to 1st Depôt Battalion	Ditto ...	1 April 1860	31 Dec. 1866	6	275	6	275
Ditto ...	Promoted and posted to School of Musketry, Fleetwood ..	2nd Class ...	1 Jan. 1867	31 Dec. 1868	2	0	2	0
					14	275	10	0
	Re-engaged at Fleetwood for eleven years' further Service on 31st December 1868.							
Ditto ...	Fleetwood ..	2nd Class ...	1 Jan. 1869	31 July 1872	2	212	2	212
Ditto ...	Promoted and posted to Hythe ...	Quarter-Master Sergeant	1 Aug. 1872	10 April 1876	3	253	3	253
					21	10		
	Discharged on 10th April 1876, at the age of 39 years, making a total Service allowed to reckon of 21 years and 10 days.							
	Commanding Officer.	Paymaster		Adjutant.				

No. 2. W. O. FORM 766.

Schoolmasters appointed from the Ranks of the Army.

WILLIAM BROWN.

Enlisted for the 5th Regiment of Foot, on the 30th September 1838.

Attested for the said Regiment on 1st October 1838, at the age of 16 years and 6 months.

	Regiment.	Promotions, Reductions, Casualties, &c.	Rank.	Period of Service in each Rank. From	Period of Service in each Rank. To	Service allowed to reckon. Under Attestation. Yrs.	Under Attestation. Days.	Towards Pension of Schoolmaster. Yrs.	Towards Pension of Schoolmaster. Days.
Clause 2 Cir. 761.	5th Foot ...	... ...	Drummer .	1 Oct. 1838	31 Mar. 1840		Under	Age.	
			Private ...	1 April 1840	30 June 1840	0	91		
		Promoted ...	Corporal ...	1 July 1840	31 Mar. 1842	1	279		
		Ditto ...	Sergeant ...	1 April 1842	30 April 1844	2	30		
						*4	35		
	Normal School ...	... ...	Ditto ...	1 May 1844	30 June 1846	2	61		
						6	96		
		Discharged by order of the General Commanding in Chief on 30th June 1846, to be attested for General Service in the Army. We certify the above to be a correct statement of the services of William Brown to the 13th June 1846.							
		Commanding Officer.	Paymaster.		Adjutant.				
		Attested for General Service, 1st July 1846, and Half-Service previous to admission to Normal School* allowed under Army School Regulations towards pension as Schoolmaster, viz.				...	...	*2	18
	104th Foot ...	Schoolmaster ...	3rd Class ...	1 July 1846	31 Dec. 1847	1	184	1	184
	Grenadier Guards. .	Transferred ...	Ditto ...	1 Jan. 1848	31 Mar. 1849	1	91	1	91
	Aldershot ...	Ditto ..	Ditto ...	1 April 1849	31 Aug. 1852	3	153	3	153
		Promoted ...	2nd Class ...	1 Sept. 1852	30 Nov. 1852	0	91	0	91
	Mauritius ...	Transferred ...	Ditto ...	1 Dec. 1852	10 July 1856	3	232	3	232
						10	21	12	93
		Re-engaged at the Mauritius, 24th July 1856, for 11 years' further service, having completed 10 years as a Schoolmaster on 30th June 1856.							
	Ditto ...	Schoolmaster ...	2nd Class ...	20 July 1856	10 Dec. 1856	0	144	0	144
	Bengal ...	Transferred ...	Ditto ...	11 Dec. 1856	31 Dec. 1860	4	21	4	21
	Ditto ...	Promoted ...	1st Class ...	1 Jan. 1861	15 June 1862	1	166	1	166

And so on, until claim to discharge is established, by showing in the column "*Towards Pension of Schoolmaster*," a total service of 21 years clear of all deductions.

No. 3. W. O. FORM 766.

Schoolmasters enlisted as such.

GEORGE BECKWITH.

Enlisted for General Service on the 1st January 1840.

Attested on 2nd January 1840, at the age of 17 years and 3 months.

	Regiment.	Promotions, Reductions, Casualties, &c.	Rank.	Period of Service in each Rank. From	Period of Service in each Rank. To	Service allowed to reckon. Under Attestation. Yrs.	Under Attestation. Days.	Towards Pension of Schoolmaster. Yrs.	Towards Pension of Schoolmaster. Days.
Par. 1. Circular 761	Woolwich ...	Schoolmaster ...	4th Class .	2 Jan. 1840	30 Sep. 1840		Under	Age	
	Curragh ..	Ditto ...	Ditto .	1 Oct. 1840	15 Dec. 1841	1	76	Half Period	
	Cork ...	Transferred ...	Ditto ...	16 Dec. 1841	4 Jan. 1843	1	20	under W. O.	
	Chatham ...	Ditto ...	Ditto ...	5 Jan. 1843	31 Dec. 1844	1	362	Cir. of	
								29	3 | 62
						4	93	2	47
	Normal School ...	... ...	.....	1 Jan. 1844	30 Jan. 1846	1	181	Nil	
	23rd Foot ...	Schoolmaster (promoted) ...	3rd Class ...	1 July 1846	30 April 1849	2	304	2	304
		Promoted ...	2nd Class ...	1 May 1846	15 Jan. 1851	1	260	1	260
						10	108	6	246
		Re-engaged 15th January 1851, at Edinburgh, for a further service of 11 years.							
	Ditto ...	Schoolmaster ...	2nd Class ...	16 Jan. 1851	28 March 1853	2	72	2	72
	Ditto ...	Reduced ...	3rd Class ...	29 March 1853	10 April 1853	0	13	6	13
	Aldershot ...	Transferred ...	Ditto ...	11 April 1853	24 May 1854	1	43	1	43
								10	9
		Completed 10 years' service as Schoolmaster, and entitled to additional pay 1*s.* per day, from 24th May 1854.							
	Ditto ...	... ...	3rd Class ...	24 May 1854	31 Dec. 1857	3	222	3	222
	Fort William, Calcutta ...	Promoted ...	2nd Class ...	1 Jan. 1858					

And so on, until claim to discharge is established, showing in the column "*Towards Pension of Schoolmaster*" a total service of 21 years, clear of all deductions.

No. 4. W. O. FORM 738.

No. 229.—STEPHEN MORRIS.

Enlisted for the 12th Regiment of Foot, on the 13th February 1856.

Attested for the said Regiment on 14th February, at the age of 20 years and 4 months.

Regiment.	Promotions, Reductions, Casualties, &c.	Rank.	Period of Service in each Rank. From	Period of Service in each Rank. To	Amount of Service towards G. C. Pay & Pension. Yrs.	Amount of Service towards G. C. Pay & Pension. Days.	Amount of Service towards completion of limited engagement. Yrs.	Amount of Service towards completion of limited engagement. Days.
12th Foot ...	Served in Shropshire Militia from 4th June 1854 to 13th February 1856, half period of Embodied Service, as per annexed release, allowed to reckon as Line Service				0	146	0	146
	Attested ...	Private ...	14 Feb. 1856	31 Dec. 1857	1	320	1	320
	Promoted ...	Corporal ...	1 Jan. 1858	30 June 1864	6	181	6	181
	Ditto ...	Sergeant ...	1 July 1864	21 Sept. 1865	1	83	1	83
					10	0	10	0
	Re-engaged at Liverpool for 11 years' further service on 22nd September 1865.							
Ditto ...	... ...	Sergeant ..	22 Sept. 1865	31 Oct. 1867	2	41	2	41
	Promoted ...	Quarter Master Sergeant	1 Nov. 1868					

And so on, until in both columns the service, free of all deductions, shall amount to 21 years, when the man will have established his claim to discharge and pension.

In this record, for the sake of brevity and clearness, all entries of grants and forfeiture of Good Conduct Pay, as well as loss and restoration of service, are purposely omitted.

No. 1053 *of* 1865.—The under-mentioned Officers and Warrant Officer have reported their return from England :—

Date of arrival at Bombay.

Assistant Commissary E. J. Gillis, 2nd Class Sub-Engineer, Rawul Pindee Division, Department of Public Works. — 29th October 1865.

Date of arrival at Fort William.

Surgeon W. F. B. Dalzel, M. D., of the Medical Department. — 2nd November 1865.

Lieutenant Colonel J. H. Maxwell, Royal Engineers.
Major O. J. McL. Farrington, Staff Corps, 1st Class Deputy Commissioner, Umritsur District, Punjab. — 9th November 1865.

Major G. E. Holmes, Staff Corps, Assistant Adjutant General.
Major C. M. Fitzgerald, Staff Corps, Deputy Commissary General.
Captain J. A. Grant, late 6th European Regiment.
Lieutenant E. E. Grigg, General List, Infantry, Assistant Commissioner, Gowalparrah. — 9th November 1865.

No. 1054 *of* 1865.—*Erratum.*—In Government General Order No. 938 of 1865, notifying the return to duty of certain Officers, for "29th September 1865," read "28*th September* 1865." Order Books to be corrected accordingly.

No. 1055 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Governor General's Body Guard.	Jemadar Allif Khan	Subadar ..	31st Oct. 1865 ...	Nadir Beg, invalided.
5th Bengal Cavy.	Kote Duffadar Ram Buccus Sing ...	Jemadar ...	5th July 1865 ..	Shere Sing, deceased.
1st Regt. Native Infy.	Subadar Rajkomar Sing ...	Subadar Major	1st May 1865 ...	Ramdeen Sookul, invalided.
8th Regt. Native Infy.	Jemadar Umeer Sing	Subadar ...	Ditto ...	Guness Tewary, ditto.
Ditto	Ditto Bulbeer	Ditto ..	Ditto ...	Ununt Doobey, ditto.
Ditto	Havildar Adjoodiah Tewary ...	Jemadar ...	Ditto ...	Sookraj Chowby, ditto.
Ditto	Ditto Mittoo Missir ...	Ditto ...	Ditto ...	Shaick Emamally, ditto.
Ditto	Ditto Himmut	Ditto .	Ditto ...	Foujdar Sing, ditto.
Ditto	Ditto Thakoor Sing ...	Ditto ...	Ditto ...	Lekhram, ditto.
Ditto	Ditto Doorgah Sing ...	Ditto ...	Ditto ...	Umeer Sing, promoted.
Ditto	Ditto Mooseh Khan ...	Ditto ...	Ditto ...	Bulbeer, ditto.

No. 1056 *of* 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, the consolidated salary of the Adjutant General in Bengal is fixed at Rs. 3,000 per mensem, instead of Rs. 2,500, as laid down in General Order by the Governor General, No. 156 A of the 13th October 1863.

This increase has effect from the 16th instant, the date of receipt of the despatch from the Secretary of State in which it is authorised.

No. 1057 *of* 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to direct that Officers not of the Staff Corps, who hold appointments in departments for which no special uniform is laid down, shall, in common with Staff Corps Officers when it may be proper for them to appear as Military Officers, wear the uniform laid down in Horse Guards Circular Memorandum of the 10th March 1862, published in Government General Order No. 614 of the 10th June 1862, with the exception that, where Officers of the Staff Corps would wear the waist plate and button peculiar to that Corps, Officers not belonging to the Staff Corps will wear the plate and button laid down for the Staff generally, as specified below:—

Button, gilt, convex, of size and form prescribed for Infantry, frosted, the edge encircled with burnished laurel.

Plate, gilt, having the letters, V. R. with the Crown above, the motto "Dieu et mon droit" below, and an oak branch on each side, all in silver.

The 17*th November* 1865.

No. 1058 *of* 1865.—The following order issued by the Resident at Hyderabad is confirmed:—

No. 159, *dated the* 27*th October* 1865.—Transferring to the Military Department the services of Lieutenant A. G. W. Hemans, Madras General List, Cavalry, Assistant Commissioner, Hyderabad Assigned Districts, and appointing that Officer to officiate as Paid Doing-duty Officer, 4th Cavalry Hyderabad Contingent, during the absence on leave to Europe of Lieutenant T. C. Briggs, or until further orders.

No. 1059 *of* 1865.—The following extracts from the *London Gazettes* of the 5th and 22nd September last, are published for general information:—

"INDIA OFFICE,

5*th September* 1865.

"Her Majesty has been pleased to approve of the following admissions to, and promotions in, the Bengal and Madras Staff Corps, made by the Government of India, subject to Her Majesty's approval":—

"BENGAL STAFF CORPS."

To be Captain.

Second Captain Clement John Mead, of the Royal (Bengal) Artillery, dated 27th August 1858.

WAR OFFICE, *Pall Mall*,

22*nd September* 1865.

Brevet.

The under-mentioned promotions to take place in Her Majesty's Indian Military Forces consequent on the death of Lieutenant General George William Aylmer Lloyd, C. B., Bengal Infantry, on the 4th June 1865:—

Lieutenant General Westrop Watkins, Madras Infantry, on the 22nd July 1865, and

Lieutenant General Henry Fisher Salter, C. B., Bengal Cavalry, on the 21st August 1865.

To be Lieutenant Generals.

Major General Francis Turnly Farrell, Bombay Infantry, dated 5th June 1865.

Major General William Henry Marshall, Bengal Infantry, dated 23rd July 1865.

Major General Robert Alexander, Madras Infantry, dated 22nd August 1865.

To be Major Generals.

Colonel Philip Harris, Bengal Infantry, dated 5th June 1865.

Colonel James Travers, V. C., Bengal Infantry, dated 23rd July 1865.

Colonel, with rank of Colonel Commandant, William Erskine Baker, Royal (late Bengal) Engineers, dated 22nd August 1865.

The under-mentioned Officers who have retired on full pay to have a step of honorary rank as follows:—

To be Lieutenant Colonels.

Major Lanchlan Macalister Mackenzie, Madras Infantry, dated 22nd September 1865.

Major Francis Albany Brooking, Madras Infantry, dated 22nd September 1865.

To be Deputy Inspector Generals of Hospitals.

Surgeon Major George Paton, M. D., Bengal Establishment, dated 22nd September 1865.

Surgeon Major Charles Murray Henderson, Bengal Establishment, dated 22nd September 1865.

Surgeon Major Alexander Charles Macrae, Bengal Establishment, dated 22nd September, 1865.

No. 1060 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names:—

Lieutenant W. G. Craig, General List, Cavalry, on leave for twenty months, Government General Order No. 988 of the 3rd November 1865.	"Meinam," 4th Nov. 1865.

Lieutenant Colonel J. P. Clarkson, Bengal Infantry, on leave for twenty months, Government General Order No. 988 of the 3rd November 1865. Major (Brevet Lieutenant Colonel) H. Dinning, late 71st Native Infantry, 2nd in Command and Wing Officer, 44th (The Sylhet) Regiment Native Infantry, on leave for twenty months, Government General Order No. 988 of the 3rd November 1865. Lieutenant N. R. Burlton, Bengal Staff Corps, Sub-Assistant Commissary General, on leave for twenty months, Government General Order No. 988 of the 3rd November 1865.	"Mooltan," 13th Nov. 1865.
Captain J. A. M. Patton, late 1st Regiment Bengal European Light Cavalry, on leave for twenty months, Government General Order No. 1011 of the 7th November 1865.	"Mooltan," 13th Nov. 1865.

No. 1061 *of* 1865.—Conductor Henry Gardiner, of the Army Commissariat Department, is reduced from the grade of Conductor to that of Sub-Conductor.

No. 1062 *of* 1865.—The services of Lieutenant G. A. L. Whitmore, of the Royal Engineers, are placed at the disposal of the Public Works Department.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

NOTIFICATION.

Military Department, Calcutta, 15*th November* 1865.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Officers and Warrant Officers on the dates specified, were received in the Military Department during the month of October 1865 :—

Corps.	Rank and Names.	Date of decease.	Place of decease.
2nd Battalion 12th Foot	Lieutenant A. L. Whipple	9th Sept. 1865 ...	At Nynee Tal.
42nd Foot ...	Captain A. Ferguson	11th „ „ ...	At Murree.
94th „ ...	Lieutenant F. J. Hassard	28th „ „ ...	At Mussoorie.
2nd Bn. R. Brigade ...	Lieutenant H. W. Reid	23rd May „ ...	At Biarritz
43rd Native Infantry..	Major R. G. Mayne	18th Sept. „ ...	At Rungeb.
Staff Corps ...	Lieutenant J. K. McCausland	3rd „ „ ...	At Almorah.
Commt. Department...	Conductor J. Connolly	15th „ „ ...	At Morar, Gwalior.
Sub Medl. Department	Hospital Steward J. D. Berkeley	31st August „ ...	At Morar.

Military Department, Calcutta, the 15th November 1865.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers, as specified in the Statement published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of October 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co's Rupees	Equivalent in Sterling.	Rate of Exchange
	Commissioned and Warrant Officers.						Rs. A. P.		Rs. A. P.					
12th Oct 1865	(a) William Adam Anstruther Thomson ...	Lieut. Col., Agent Governor General, Moorshedabad ...	Late Bengal Cavalry ...	...	3rd Aug. 1865	Testate	1,300 0 0	...	1,300 0 0					
19th „ „	(b) Henry Phillpotts ...	Captain ...	Bengal Staff Corps ...	...	1st June 1865	Intestate	637 0 0	...	637 0 0					
	Non-Commissioned Officers and Soldiers													
27th „ „	(c) George Warn ...	Private ..	Late 1st E. B. Cavy ...	932	12th Nov. 1858	Not known	43 7 7	...	43 7 7					
	Total Rs. ...	.....	.....	...	....	...	1,980 7 7	...	1,980 7 7					

(a) Widow, Mrs. Isabella Eliza Anstruther Thomson, and two children.
(b) Widow, Mrs. Adelaide Matilda Sophia Phillpotts; children, Henry Eden and Cecil Arthur, in India.
(c) Next of kin not known.

FORT WILLIAM;
PAY OFFICE,
The 31st October 1865.

FRED. C. INNES, *Major,*
For Presidency Pay Master

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers of Her Majesty's British Military Service, in the month of October 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of: Amount paid in India.	How disposed of: Amount retained in India.	How disposed of: Amount remitted for payment in England. In Co.'s Rupees.	How disposed of: Amount remitted for payment in England. Equivalent in Sterling	Rate of Exchange.
	Commissioned and Warrant Officers.													
17th Oct. 1865	(a) Richard Lovell Gwatkin ...	Lieutenant ...	H. M.'s 94th Foot ...	...	1st June 1865	Intestate	Rs. A. P. 117 1 2	...	Rs. A. P. 117 1 2					

(a) Next of kin, father, J. Reynolds Gwatkin, Esq., Brookville Simington, near Trowbridge, Wiltshire.

FORT WILLIAM;
PAY OFFICE,
The 31st October 1865.

FRED. C. INNES, *Major,*
For Presidency Pay Master.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 397.

ESTABLISHMENT.

Fort William, the 13th November 1865.

NOTIFICATIONS.

Mr. H. Hutton, Overseer, 2nd Grade, is transferred from British Burmah to the Punjab, with effect from 8th August 1865.

No. 398.

B. Sham Row is appointed to the Public Works Department as an Overseer, 3rd Grade, and posted to Mysore.

No. 399.

The 16th November 1865.

Mr. A. B. Gatherer, Assistant Engineer, 3rd Grade, Mysore, is promoted to the rank of Assistant Engineer, 2nd Grade, with effect from the 4th October 1865.

No. 400.

Mr. C. Nuttall, Controller, 3rd Class, 3rd Grade, assumed charge of the Public Works Central Office of Accounts, Hyderabad, on the forenoon of the 1st November 1865.

No. 401.

Sergeant W. Lennox joined the North Ashtagram Division of Public Works in Mysore on the 12th August 1865.

No. 402.

The 17th November 1865.

Mr. P. Magrath, Sub-Engineer, 2nd Grade, British Burmah, was allowed six months' leave on medical certificate, with effect from the 14th October 1865.

No. 403.

Mr. W. E. Parry, Assistant Engineer, 2nd Grade, is transferred from Bengal to the North-Western Provinces.

No. 404.

With reference to Notification No. 364 of the 16th October, Major J. McLeod Innes, V. C., received, and Major G. Chesney made over, charge of the Office of Accountant General, Public Works Department, on the afternoon of the 10th November.

C. H. DICKENS, *Lieut. Col.,* R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rs. 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

Notice is hereby given that the lower Halves of the under-mentioned Government Promissory Notes endorsed by Heeraloll in favor of the Executive Commissariat Officer, Kussowlie, have been lost in transmission from this Office to the Bank of Bengal at Calcutta. An application has this day been made for the issue of new Notes in lieu of those lost:—

4 per cent. Note No. 8142 of 16159 of 1835-36 for Rs. 500
4 per cent. Note No. 7795 of 16651 of 1835-36 for Rs. 500

T. H. SIBLEY, *Major,*
Assistant Commissary General.

EXE. COMMT. OFFICE,
KUSSOWLIE,
4th November 1865.

COMMISSARIAT NOTICE No. 6.

Sealed Tenders will be received by the Executive Commissariat Officers, Dinapore and Hazareebagh, up to 4 P. M. of the 1st December 1865, for the supply of the under-mentioned articles be contract for one year, commencing from 1st February 1866; and will be opened by them in their Offices on the following day at noon in presence of Tendering parties who may choose to attend.

Parties desirous of tendering, will be furnished with all particulars on application to the above Officers.

Rice.
Sugar.
Barrack Bedding.
Hospital Clothing.
Cattle Gear.

W. G. SMITH, *Lieut.,*
Sub-Asst. Commy. Genl.

DINAPORE;
EXE. COMMT. OFFICE,
4th November 1865.

JUST PUBLISHED,

Price Ten Rupees.

The Indian Succession Act, 1865, (Act X of 1865,) with a Commentary,

and the Parsee Succession Act, 1865, Acts XII and XIII of 1855 and the Acts relating to the Administrator General,

with Notes,

By Whitley Stokes, Esq., of the Inner Temple, Barrister-at law, and Assistant Secretary to the Government of India, Legislative Department.

R. C. LEPAGE, & Co., Calcutta.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List,* No. XIV, corrected in the Office of the Adjutant General up to the 15th of October, is now ready. Price five Rupees *in advance,* and eight annas extra if sent by post. Apply to

CALCUTTA,
6, *Bankshall Street.*
O. T. CUTTER, *Publisher.*

The Sarawuk, Jaenee Hindustan Banking and Trading Company, "Limited."

Notice is hereby given that Pundit Sew Chunder has been removed from the post of temporary Deputy Manager of the above Bank at Delhi, and has no longer power to sign any documents in the Bank's name.

Lallah Chooney Lall has assumed charge of the Agency, and has power to transact any business connected with the Bank.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

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Amount brought forward from Statement dated 25th October 1865 ...	11,70,200	53,000	300	22,41,000	24,51,100	1,12,84,700	83,59,400	36,98,200	5,22,33,100	2,91,56,500	27,600	16,000	11,06,91,100
ADD—													
Amount enfaced at Madras as per Registers received up to date	...	...	...	...	...	500	...	...	21,100	26,000	...	...	47,600
Amount enfaced at Bombay as per do. do. do. ...	...	...	...	8,000	...	5,000	500	1,000	48,100	1,10,000	...	...	1,72,600
Amount enfaced at Calcutta up to date	62,700	...	...	2,500	...	5,000	2,500	20,000	64,700	32,500	...	...	1,89,900
Total ...	12,32,900	53,000	300	22,51,500	24,51,100	1,12,95,200	83,62,400	37,19,200	5,23,67,000	2,93,25,000	27,600	16,000	11,11,01,200
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	...	...	...	7,600	2,000	46,900	4,800	69,900	3,46,500	4,66,000	...	...	9,43,700
Total ...	12,32,900	53,000	300	22,43,900	24,49,100	1,12,48,300	83,57,600	36,49,300	5,20,20,500	2,88,59,000	27,600	16,000	11,01,57,500

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R. P. HARRISON,
Comptroller General of Accounts.

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No. 32.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, NOVEMBER 18, 1865.

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Government of India.

PUBLIC WORKS DEPARTMENT.

Introduction of double-tier 3rd Class Carriages on the Railways in Bengal.

Extract from a Note by Deputy Consulting Engineer, Bengal,—No. 227, dated 23rd February 1865.

I cannot help thinking that the introduction of a 4th class, to be carried in two-storied carriages, would be a great advantage. These carriages cost but little more than the present 3rd class carriages, and only weigh 1½ tons more, while they can carry nearly twice as many people.

The weight of the passengers carried is trifling when compared with that of the carriage, and the introduction of these carriages would go far to diminish the necessity for Special Trains.

The weight of the present 3rd class carriage is 7 tons, and it carries 52 passengers, while the weight of the double-storied carriage, which carries 100 persons, is 8½ tons.

The cost of the two carriages being respectively Rs 3,000 and Rs. 3,300, the difference in cost is so small as not to be worth considering. The present form of carriage is, it is true, somewhat lighter than the one proposed, but the advantage possessed by the latter in case of a sudden influx of passengers, is, I think, more than an equivalent for this.

For example, to carry 500 passengers we have—

Present system.

	Tons.
10 Carriages, at 7 tons	70
500 Passengers, at 1 cwt.	25
Weight of train ..	95

Proposed system.

	Tons.
10 Carriages, at 8½ tons	85
500 Passengers, at 1 cwt. ...	25
Weight of train ...	110

This gives 15 tons in favour of the present system ; but if it becomes suddenly necessary to pick up 500 more passengers, we have—

Present system.

	Tons.
Original weight of train	95
10 Extra Carriages	70
500 Passengers	25
Total ..	190

Proposed system.

	Tons.
Original weight of train . . .	110
500 Passengers	25
Total ...	135

An advantage in case of emergency which, I think, more than compensates for the trifling extra weight of the carriage.

The objections raised to this carriage are—

1st.—That the centre of gravity in these carriages is raised somewhat more than in the ordinary carriages, and they are therefore more liable to oscillation, and more apt to run off the line.

2nd.—In case of a bad accident, if one of these carriages should be crumpled up between two others, or should be sent rolling down a steep bank, the loss of life would be very much greater than if the same thing happened to one of the present 3rd class carriages.

To the first objection I attach but little importance. The centre of gravity of these carriages is raised somewhat higher than that of ordinary 3rd class carriages, but not to any great extent, or, at all events, not enough to affect a carriage on a 5′ 6″ gauge at the speed attained by the East Indian Railway.

The second objection is a perfectly valid one, but accidents of the class alluded to so seldom occur, that I do not look on the additional risk to passengers as very great.

It is impossible to shut one's eyes to the fact that every large and unusual increase to the passenger traffic is an element of danger to the persons carried. The only question is, how the risk can be reduced to a minimum. In my own opinion, it is less dangerous to use two-storied carriages than to run Special Trains.

Extract from a letter from the Government of India, P. W. Dept., to the Joint Secretary to the Government of Bengal, P. W. Dept., Railway Branch,—No. 394 R, dated 25th May 1865.

While concurring with the Lieutenant Governor as to the propriety of affording a liberal amount of accommodation to travellers in consideration of the long distances run by the East Indian Railway trains, there appears to the Government of India to be no reason why such liberal allowance should not be given for the 4th class in double-storied carriages, but provided with shutters or venetians, as is proposed for the 3rd class. The advantages of such carriages in reducing the unremunerative load are obvious, and I am directed to request that the matter may receive further consideration by the Lieutenant Governor.

From MAJOR J. HOVENDEN, R. E., Asst. Secy. to Govt. of Bengal, in the P. W. Dept., Railway Branch, to Secy. to Govt. of India, P. W. Dept.,—No. 1369 G, dated 21st August 1865.

With reference to the suggestions contained in your letter No. 394 R, dated 25th May last, I am instructed to forward the accompanying copies of letters from the Agents of the three Railway Companies, conveying an expression of their opinion on the question of introducing double-tier carriages on their respective lines.

2. I am to add that the Lieutenant Governor agrees with them in thinking that it would be undesirable to introduce these carriages on the Railways in Bengal.

From C. STEPHENSON, ESQ., Deputy Agent, E. I. Railway Co., to Cons. Engr. to Govt. of Bengal, Railway Dept.,—No. 5917 G, dated 30th June 1865.

With reference to letter No. 814 G of 3rd instant, from the Assistant Secretary to Government of Bengal, covering copy of a letter No. 394 R, dated Simla, 25th May last, from the Secretary to the Government of India, in the Public Works Department, I have the honor to enclose, for your information, copy of Traffic Manager's letter No. 2825 of 17th instant, giving his reasons for objecting to the introduction of double-tier carriages on this line.

From J. C. BATCHELOR, ESQ., Traffic Manager, to Agent E. I Railway Co.,—No. 2825, dated 17th June 1865.

Upper-story 3rd Class Carriages.

Your No 5434 of 16th instant, covering copy of Government Consulting Engineer's No 814 of 3rd instant, and extract from Secretary to Government, Public Works Department, No 394 of 25th May.

In reply I beg to say that I do not think the upper-story carriages are adapted for our traffic. There would be considerable delay, I feel sure, to the passengers in getting in and out, up and down—a delay we can ill-afford in the passage of our long through trains over a single line. There would also, I think, be much greater difficulty in checking the overcrowding of carriages, and there would also, I fear, be a considerable amount of over-carrying.

Lastly, in case of an accident even from a simple run off, there would be far greater danger of serious consequences than with the present, or new long 3rd class we are building, the adoption of which will go far to reduce the dead weight of haulage per passenger carried.

From F. PRESTAGE, ESQ., Agent E. B. Railway Co., to Cons. Engr. to Govt. of Bengal, Railway Dept.,—No. 1839, dated 31st July 1865.

I have delayed replying to letter No. 815 G, from the Assistant Secretary to the Government of Bengal, until the completion of some experiments which have been made with a view to ascertain if the Natives prefer the double-tier carriages to the ordinary 4th class without seats in use on this Railway, and I now have the honor to give you the result arrived at, and to record my opinion on the expediency of introducing double-tier carriages on this Railway.

The experiments were made by placing the same amount of double-tier and ordinary 4th class accommodation on a train, and the results proved that, for every 100 passengers who selected to travel in the ordinary 4th class carriages without seats, only 16 travelled in the double-tier carriages with seats. This is most conclusive proof that the 4th class carriages at present in use on this Railway are much more liked than the double-tier carriages. This fact, and the fact of the present 4th class carriages having most completely answered one of the main purposes for which the double-tier carriages were introduced, viz., that of inducing the higher class of Natives to travel in higher class carriages, and to pay higher class fares, convinces me it would not be expedient to introduce double-tier carriages on this Railway, for I am satisfied they would tend to discourage rather than to foster the most remunerative portion of our traffic.

The double-tier carriages introduced on this line completely answered one of the main purposes for which they were introduced, viz., that of reducing the unremunerative load; but I am of opinion this is a saving, the value of which, under existing circumstances, is very much over-estimated, and I am convinced it is not worth a moment's consideration when compared with the advantage to be gained from giving the mass of Native passengers the accommodation they prefer, and thus bring Railway travelling into favor.

A slight comparison between the unremunerative load of passenger carriages and goods wagons, and between the revenue yielded by each, will at once show that we should turn our attention (as we have done by introducing goods wagons of greater carrying capacity) to reducing the weight of the latter before we interfere with the former.

I find, one of our ordinary 4th class carriages conveying a full load of passengers between Calcutta and Kooshtea will yield Rs. 103-2, or Rs. 1-3-7 per maund of load carried; I also find that a goods wagon, containing a full load of rice carried at 2 annas per maund, or jute at 4 annas per maund, yields Rs. 18-9 and Rs. 20 respectively; and the dead load of goods wagons (considering a large portion of the stock goes up the line empty) is nearly double that of the passenger carriages, and the result of carrying large quantities of such goods at such rates during the past half-year, has proved they pay most handsomely, and it would

be to the interest of the Company to get as much of them as it could possibly carry.

It therefore appears to me that, if it pays to carry goods at 2 annas per maund, it must pay very much better to carry Natives at Re. 1-3-7 per maund with very nearly half the unremunerative load, and the small saving in haulage. Maintenance of way, &c., by the substitution of a double-tier for an ordinary 4th class carriage, are not worth consideration, when compared with the gain to revenue by making Railway travelling popular with the Natives.

There are also many other reasons why such carriages should not be introduced on this Railway; for instance, all our passenger trains, up and down, except the through mail train to and from Kooshtea, might be doubled in weight without adding very materially to the cost of working, and I think the time will soon come when it will be found desirable to make the through mixed train a passenger train only; and when this is done, the present number of trains will be capable of carrying double the present number of passengers, which would yield double the amount of revenue, and show a comparatively trifling increase in the cost of working.

If, by introducing double-tier carriages, the number of trains, and consequently the number of miles run by locomotives, could be reduced, there would be more reason for introducing them; but I believe it would be most unwise to make any such reduction.

In judging of this matter, it should be remembered it will always be necessary to have sufficient 4th class stock to carry the maximum amount of traffic, and which would ordinarily leave a large surplus of such stock in the hands of the Traffic Department. If this stock is like that at present in use on this Railway, it will be available for light goods traffic in the event of extraordinary pressure, whilst double-tier carriages would not.

From A. G. PENDLETON, ESQ., Agent and Manager, C. and S E. Railway Co., to Depy. Cons. Engr. to Govt. of Bengal, Railway Dept.,—No. 111, dated 17th August 1865.

I must apologise for having so long delayed a reply to your No. 816 G of the 3rd June, requesting an expression of my views on the expediency of introducing double-tier carriages on this line. That delay arose from my hesitation to express an opinion upon the subject in the absence of particular knowledge how they had been found to answer on the only line in Bengal upon which they have been tried, viz., the Eastern Bengal Railway, and I was desirous of ascertaining from the Agent of that Company the result of the experiments he instituted with his double-tier carriages subsequent to the receipt of your letter soliciting the expression of his views.

2. The Agent of that Company has been good enough to advise me of those results as communicated to you, and I think they conclusively prove that the double-tier carriage is not a vehicle liked by the Native travelling public, and that the ordinary 4th class carriage, even without seats, is much more likely to foster traffic than the double-tier with seats. The only advantage which the introduction of double-tier carriages would give the Company is the reduction of the dead weight in each train; but our trains are seldom of unusual length, and I question whether the reduction in the number of vehicles which might be anticipated from the adoption of double-tier carriages, would result in any sensible reduction of haulage expenses. The fact that it would, should be very clearly demonstrated before I could recommend the introduction of a class of vehicle calculated rather to check, than promote, the growth of passenger traffic on the line.

3. I am further of opinion that, in the event of accident to a train, a double-tier carriage is less qualified to resist a severe shock than the ordinary style of carriage, and this, I think, is a not unimportant argument against its adoption.

From LIEUT. COLONEL C. H. DICKENS, R. A., Secy. to Govt. of India, P W. Dept., to Joint Secy. to Govt. of Bengal, in the P. W. Dept., Railway Branch,—No. 832 R, dated 21st September 1865.

I am directed to acknowledge the receipt of your letter No. 1369 G, dated 21st August 1865, and to intimate that, as the Local Government and the Railway Authorities are unanimous in their objection to the introduction of the double-tier carriages on the Railways in Bengal, the Government of India will not insist upon it. I am, however, to invite attention to the papers forwarded to the Government of Bengal under Public Works Department docket No. 059 R of the 25th April 1864, showing the opinion that is entertained of this description of carriages on the Bombay and Baroda and the Punjab Railways, and to request that the result of the experiment about to be made on the East Indian Railway with the new long 3rd class carriage under construction, may be reported for the information of the Government of India, after it shall have had a fair trial, particulars of the weights, cost and number accommodated, whether with or without seats, being furnished.

Extracts of a Note by Deputy Consulting Engineer, Bengal,—No. 1601, *dated* 11*th October* 1865.

EAST INDIAN RAILWAY.

Long 3rd Class Carriages in use on the line.

"The Government of India, in letter No. 832, dated 21st September, ask for a description of this carriage."

* * * *

"These carriages have been running for the last two years, and the Traffic Manager prefers them to any others on the line. The only objection that could be made to them is that the distance between the wheel centres prevents their being turned on the carriage turn-tables. This is not, however, found to be any inconvenience in practice. The increased distance between the wheel centres diminishes the tendency to wabble, and these carriages run much more steadily than the short ones. The long carriages are consequently far safer at high speeds, and are more comfortable to passengers at all times."

The following Table shows the weight and load of the various kinds of 3rd class carriages :—

	Weight. Tons	Cwt.	No. of Passengers	Ratio of weight of carriage to its load (1 maund = 1 Cwt.)
Ordinary, 3rd class	7	0	60	2·3 : 1
Long, 3rd "	8	7	84	2 : 1
Double-tier, 3rd class	8	10	100	1·7 : 1

Government of Fort St. George.

Cinchona Operations in the Neilgherries.

Report on the Number and Condition of Cinchona Plants on the Neilgherries on the 30th September 1865.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	Remarks.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark ...	2,21,280	2 6 to 8 9	The number of plants planted out in the plantation remain the same as in last month, namely, 2,44,871
2	C. Calisaya ... Var Frutex .. „ Vera	Yellow Bark	3,138	2 10 to 7 0	
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark.	8,489	2 10 to 7 0	The increase by propagation is 78,725, being 37,815 plants above the average of the last six months, making the total number of plants 7,75,153.
4	Ditto Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	5,09,021	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark	3,139	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	93	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	8,500	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark	14,893	1 8 to 2 9	
10	C. Peruviana ..	Finest Grey Bark .	3,389	1 8 to 2 10	
11	C. Pahudiana ...	Unknown ..	425	Unknown.	
		Total number of plants	7,75,153		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 31st August 1865.	Height in inches on the 30th Sept. 1865.	Growth in inches during Sept. 1865.	By whom planted
1	23	124	125½	1½	His Excellency Sir W. Denison.
2	16½	110½	111½	1	
3	19	113	114½	1½	
4	15	105	105¾	0¾	
5	27	125¼	126½	1¼	
6	20	100	102	2	
7	20	113½	111½	1	J. W. Breeks, Esq
8	18	120	121	1	Dr. Sanderson.
9	20	121	121½	1½	J. D. Sim, Esq.
10	20	124½	125½	1	Lieutenant McLeod.
11	18	109	109¾	0¾	P. Grant, Esq.
12	...	70½	72	1½	Plant cut down for bark.

Table II exhibits the growth of eleven plants of C. Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862 The average growth of these plants during the month is the same as in last month, viz, $1\frac{3}{11}$ inches.

One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr Howard for analysis has made strong shoots of 72 inches in height, giving the growth of 1½ inches during the month

The twelve plants of C. Officinalis (a shrubby species) on the Dodabetta plantation gives an average growth of $3\frac{8}{11}$ inches, or about half an inch under the growth of last month

The number of plants issued to the public during the month is 425, making the total number of plants distributed 81,491.

TABLE III.

Showing the height of twelve Plants of C. Officinalis, planted on the Dodabetta Plantation at Ootacamund, on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 31st Aug. 1865.	Height in inches on the 30th Sept. 1865.	Growth in inches during Sept 1865.
1	19	92½	96	3½
2	14½	86	89	3
3	28	94½	97	2½
4	22	90½	93½	3
5	21½	93½	97	3½
6	28	105½	109½	4
7	22½	89½	92	2½
8	21½	87½	90½	3
9	21½	97½	101	3½
10	19½	90½	94	3½
11	24	97	100	3
12	24	96	99½	3½

OOTACAMUND,
13th October 1865.

W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, WEDNESDAY, NOVEMBER 22, 1865.

The following Notification is published in supersession of Notification No. 1331, dated Simla, the 25th August last, published in the *Gazette of India* of the 26th idem, page 940 :—

No. 4366.

HOME DEPARTMENT.

JUDICIAL.

Fort William, the 22nd November 1865.

NOTIFICATION.

Until the Governor General in Council shall otherwise provide, under the powers conferred by the Act XXVIII Vic., Cap. 15, all jurisdiction formerly exercised by the Supreme Courts of Calcutta, Madras, and Bombay, respectively, over the inhabitants of such parts of India as may not be comprised within the local limits of the Letters Patent issued under the Act XXIV and XXV Vic., Cap. 104, establishing High Courts at Fort William, Madras, and Bombay, shall, subject to the provisions of the said Letters Patent, be exercised by such High Courts respectively; to the intent that the jurisdictions exercised by the said High Courts respectively at the time of the coming into operation of the said first mentioned Act shall thenceforth until such other provision as aforesaid continue and be maintained.

By Order of the Governor General in Council,

E. C. BAYLEY,

Secretary to the Government of India.

Printed and Published for the Government of India, by O. T. Cutter, *at the Military Orphan Press.*

No. 47.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 25, 1865.

Home Department.

LEGISLATIVE.

The 25th November 1865.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor-General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor-General of India for the purpose of making Laws and Regulations :—

A Bill to constitute Courts for the relief of Insolvent Debtors in the Towns of Rangoon, Moulmein, and Akyab, in British Burmah.

Preamble.

Whereas it is expedient to constitute Courts for the relief of Insolvent Debtors in the Towns of Rangoon, Moulmein, and Akyab in British Burmah; It is enacted as follows :—

Short title.

1. This Act shall be called "The Burmese Insolvent Debtors' Act, 1865."

Interpretation Clause.

2. In this Act, unless there be something repugnant in the subject or context—

"British India."

"British India" means the territories which are or may become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India :"

"Year." "Month."

"Year" and "Month" respectively mean a year and month reckoned according to the British calendar :

"Court for relief of Insolvent Debtors."

"Court for relief of Insolvent Debtors," or any words of reference to the same, include each Court for the relief of Insolvent Debtors established under this Act :

"Petition."

Words describing the petition of any Insolvent include the joint petition of two or more Insolvents, and all provisions as to the one shall apply to the other.

"Number." "Gender."

Words importing the singular number shall include the plural; and words importing the masculine gender shall include females.

"Person."

"Person" includes any Company or Association or body of persons, whether incorporated or not :

"Court." "Recorder."

And in every town of British Burmah in which this Act shall operate, "Court" shall mean the Court for the relief of Insolvent Debtors established under this Act in such town; and "Recorder" shall mean the Recorder appointed under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah; and to establish Courts of Small Causes in the said Towns*).

A Court to be holden by the Recorder once a month at least in Rangoon, in Moulmein every two months, and in Akyab every four months.

3. Courts for the relief of Insolvent Debtors shall be holden in Rangoon in every town in which this Act shall operate, so often as may be found necessary by the Recorder or Recorders appointed under the said Act No. XXI of 1863 to hold Courts in such towns respectively.

4. Every Advocate, Vakeel and Attorney entitled to appear, plead, or act under the said Act No. XXI of 1863, shall be entitled to appear, plead or act in any Court for the relief of Insolvent Debtors held under this Act.

Advocates, &c., entitled to appear and plead.

5. The Recorder shall have power from time to time to make rules and orders to regulate the proceedings of the Court for the relief of Insolvent Debtors, and from time to time to vary and add to such rules and orders, and especially to provide in what manner notice shall be given to the creditors of parties applying for relief under this Act, and in what cases besides those mentioned in this Act costs may be awarded, and shall prepare a list of fees to be charged and received by the Officers of the said Court for the relief of Insolvent Debtors, and shall certify and transmit to the Governor-General of India in Council copies of such rules and lists of fees for his approbation, correction, or revision; and other copies of the same shall at all times be fixed in conspicuous places in the Court for the relief of Insolvent Debtors, and no other fee or gratuity shall be received or taken by any Officer, Vakeel or Attorney of such Court except such as shall be specified in such lists.

Power to Recorder to make rules.

6. Every Registrar appointed under the said Act No. XXI of 1863 shall be Registrar of the Court in the town for which he may be appointed Registrar, and the Recorder shall have power from time to time to appoint such other persons as may be necessary to transact the business of the Court, and from time to time to annul all or any of such appointments, and (subject to the provisions of the said Act No. XXI of 1863 respecting the removal of Officers) to remove any of such Officers and to reduce their number; and the Court shall cause to be sealed with the seal of the said Court all such records, proceedings, documents and copies of the same as are hereinafter expressly required to be so sealed and such other records, proceedings, documents and copies of the same as it shall at any time direct, and may adjourn any of its sittings from time to time, and to such time as may be requisite, and shall have power to administer oaths or solemn affirmations, and shall examine all parties and witnesses upon oath or solemn affirmation for the purposes of this Act, and the Court shall have the like powers of issuing commissions to take evidence as now are or may be hereafter possessed by the High Court of Judicature at Fort William in Bengal, and shall have the like powers of compelling the attendance of the Insolvent and all other parties at all times when their attendance may be deemed requisite by the Court, and of all witnesses or any other persons who may be able to give any information respecting the debts, estates and effects of such Insolvent, before the Court or before any Officer of such Court, and of requiring and compelling the production of books, papers, and writings as now are or may hereafter be possessed by the said High Court, or as are given to Commissioners of Bankrupts by an Act passed in the sixth year of the reign of His late Majesty King George the fourth, intituled "An Act to amend the laws relating to Bankrupts"; and the Court shall have power to order any prisoner whose estate shall be vested in any Assignee under the provisions of this Act, or any prisoner who shall be a necessary and material witness in any matter pending in the Court, to be brought before such Court or Officer as often as shall be requisite, which order alone shall be a sufficient authority and protection to the Jailor or Officer or person in whose custody he may be for the production of such prisoner; and the Court shall have the power of fining in a summary way, and of committing until such fine be paid, or of committing in the first instance without fining, all persons guilty of contempt of the same Court, and of fining in a summary way, and of removing, any of the Officers of such Court who shall be guilty of negligence, wilful or unnecessary delay, or other misconduct. Provided always, that the Court shall not have the power of awarding costs against any person, except in cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any rules which shall be made under the provisions of this Act.

Power to Recorder to remove and appoint Officers and reduce emoluments from time to time.

Records, &c., to be sealed with the seal of the Court.

Power to Court to adjourn sittings and administer oaths, &c.

Recorder to have the same power to issue commissions and compel attendance of Insolvents and production of books, &c., as are possessed by High Court, or as given to Commissioners of Bankrupts under 6 Geo. 4, Cap. 16.

Power to Recorder to order prisoners to be brought up as often as requisite.

Court not to award costs except in certain cases.

7. Any person who shall be in prison within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, upon any process whatsoever, for or by reason of any debt, damages, costs or money which such person is solely or jointly with any other liable to pay, or for or by reason of any contempt of any Court whatsoever for non-payment of money only, or of costs taxed or untaxed, either ordered to be paid, or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence of or by reason of such contempt, or who shall reside within the jurisdiction of any of the Courts constituted under the said Act No. XXI of 1863, and, being indebted on account of any such liability as aforesaid, shall be in insolvent circumstances, may at any time apply by petition to the Court for the relief of Insolvent Debtors within the town where such Insolvent Debtor shall then be, for the benefit of the provisions of this Act, which petition may be in the Form in the Schedule (A) to this Act, or the Schedule (B) to this Act, (as the case may require), with such additions and variations as may be necessary to adapt it to the particular case; and such petition shall be subscribed by the said prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such persons as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by petition, in such manner as is hereinbefore mentioned, and under such joint petition the joint estate and the separate estates

Persons imprisoned for debts may petition the Court for relief according to the Forms in the Schedules to this Act.

of such petitioners shall be dealt with and distributed.

Party petitioning to deliver in a schedule in the Form in Schedule (C).

8. Where any such petition for relief as aforesaid shall be presented by any such Insolvent to the said Court for the relief of Insolvent Debtors, the party presenting the petition, at the same time or within such further time as the said Court may deem reasonable, shall deliver into the Court a schedule in the Form in the Schedule (C) to this Act annexed, or as near thereto as circumstances will admit, containing a full and true description as to all matters and things required to be set forth therein, so far as the same can be described or set forth, and the said Schedule shall be subscribed by such petitioner, and shall forthwith be filed in the said Court.

Upon filing petition, the moveable and immoveable property of petitioner to be vested in Official Assignee as Court shall direct.

9. Upon the filing of any such petition as aforesaid, it shall be lawful for the Court, and the Court is hereby authorized and required to order that all the moveable and immoveable property and effects of such petitioner within British India, except the wearing apparel, bedding and other such necessaries of the petitioner and his family, and the working tools and implements of such petitioner and his family, not exceeding in the whole the value of Rupees three hundred for each petitioner with his family, and all debts due to him, and all the future estate, right, title, interest and trust of the said petitioner in or to any moveable or immoveable property or effects within British India which such petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all debts growing due to him before the Court shall have made its order in the nature of a certificate as hereinafter mentioned, do vest in the Official Assignee for the time being of the said Court, and that all books, papers, deeds and writings in any way relating to such petitioner's estate and effects in his possession, or under his custody or control, shall be deposited with such Assignee, and such order shall be entered of record in the Court; and such notice thereof shall be published as the Court shall direct; and such order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said petition, and shall instantly and without any conveyance or assignment vest all the moveable and immoveable property, effects and debts, as aforesaid, in the said Official Assignee, who shall have full powers for the recovery thereof, and shall hold and stand possessed of the same for the purposes and in manner hereinafter mentioned:

In case, after making vesting order, petition be dismissed, the same to be null and void, but all acts done by any Assignee, &c., under this Act to be held valid.

Provided always, that in case, after the making of any such vesting order, the petition of any such petitioner shall be dismissed by the Court, such vesting order made in pursuance of such petition shall from and after such dismissal be null and void. Provided also, that in case any such vesting order as aforesaid shall become null and void by the dismissal of such petition, all acts theretofore done by any Assignee or other person acting under his authority, according to the provisions of this Act, shall be valid, and no suit shall be commenced against any such Assignee, nor against any person duly acting under his authority, except to recover any property of such petitioner detained after an order made by the Court for the delivery thereof, and demand made thereupon; and until the appointment of an Official Assignee as hereinafter is directed, the Registrar of the Court shall stand and be in the place of the Official Assignee, and this present Clause shall apply and have effect accordingly.

Lying in prison 21 days for debt shall be deemed an act of insolvency on which creditor may petition.

10. If any person who shall be in prison within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, charged in execution for any debt or damages, or any costs or sum of money, or committed for or by reason of any contempt of any Court for non-payment of money, or of costs taxed or untaxed, either ordered to be paid or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence or by reason of such contempt, shall not, within twenty-one days next after such prisoner shall have been so charged in execution or committed as aforesaid, make satisfaction to the creditor at whose suit such prisoner shall have been so charged in execution, or committed for such debt, damages, costs or sum of money, or to the person or persons entitled to the money for non-payment of which such prisoner shall have been in contempt, or to the payment of which such prisoner would be liable in consequence or by reason of such contempt, then and in any of the said cases it shall be lawful for any such creditor or person entitled to such money as aforesaid, to present a petition to the Court for the relief of Insolvent Debtors of the town within which such person shall have been so imprisoned, which petition may be in the Form No. 1 in the Schedule (D) to this Act annexed, with such additions or variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such prisoner has committed an act of insolvency.

Court may, upon petition, revoke or confirm adjudication.

Provided always, that it shall be lawful for the Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Person arrested or imprisoned under a decree applying for discharge may be adjudged to have committed an act of insolvency.

11. If any person who may, within the respective local limits of the jurisdiction of the Recorders' Courts of Rangoon, Moulmein, and Akyab, be arrested under a warrant in execution of a decree for the payment of money or in confinement under a decree, shall apply for his discharge in pursuance of any Act regulating the procedure of Courts of Civil Judicature, it shall be lawful for the Court to which such application shall be made, if it shall think fit, to decline to hear such application, and to adjudge that the person so applying has committed an act of insolvency.

Parties subject to the Bankrupt Laws lying in prison 21 days, or departing the jurisdiction with intent to defeat or delay their creditors, or with like intent making any fraudulent gift, &c., shall be deemed to have committed an act of insolvency, on which creditors may petition.

12. If any person who, by 6 Geo. 4., Cap. 16, intituled "An Act to amend the laws relating to Bankrupts," or by the tenth Section of 5 and 6 Vic., Cap. 122, intituled "An Act for the amendment of the law of Bankruptcy," or any other Act now in force or hereafter to be passed, would be deemed a trader liable to become bankrupt, having been arrested or committed to prison for debt, or for or by reason of any contempt of any Court whatsoever, for non-payment of money only, or of costs taxed or untaxed, either ordered to be paid or to the payment of which such person would be liable in clearing such contempt, shall, upon such or any other arrest or commitment for debt or non-payment of money or costs as aforesaid, lie in prison twenty-one days, or having been arrested or committed to prison for any other cause, shall be in prison for twenty-one days after any detainer for debt, non-payment of money or costs as aforesaid, lodged against him and not discharged, or if any such person shall depart from within the limits of the jurisdiction of any of the said Courts established under the said Act No. XXI of 1863 with intent to defeat or delay his creditors, or with the like intent depart from his usual place of business or abode within the said jurisdiction, or make with like intent any fraudulent gift, grant, conveyance, delivery or transfer of any of his lands, tenements, money, goods or chattels, or fraudulently with like intent suffer his lands, money, goods or chattels to be taken in execution or attached, it shall be lawful for any person being a creditor, or for two or more persons being partners in trade and creditors to the amount of Rupees five hundred, or for any two creditors to whom such person shall be indebted to the amount of seven hundred Rupees, or for any three or more creditors to whom such person shall be indebted to the amount of one thousand Rupees, to present a petition to the Court for the relief of Insolvent Debtors of the town within which such person shall have been so imprisoned or have resided at the time of such departure, or of such fraudulent gift, grant, conveyance, delivery, transfer or fraudulent execution, attachment or sequestration, which petition may be in the Form No. 2 in the Schedule (D) to this Act annexed, with such additions and variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such person has committed an act of insolvency: Provided always that it shall be lawful for the said Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor or creditors upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Court may, upon petition, revoke or confirm adjudication.

Creditor whose demand at the time of act of insolvency is not then due may petition or join in petition.

13. Every person who shall have given credit to any trader upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such trader committed any act of insolvency within the meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any security for such sum or not.

On adjudication of such last mentioned act of insolvency, vesting order to take same effect as where the petition is presented by the Insolvent.

14. Upon any such adjudication being made as hereinbefore is mentioned, the Court is hereby authorized and required to make the like vesting order as hereinbefore is authorized to be made in the case of a petition by an Insolvent Debtor, which said vesting order shall in like manner be entered of record and notified as is hereinbefore mentioned, and shall, when made, take effect by relation from the filing of the petition on which the adjudication shall have proceeded; and such order shall, when made, vest in like manner all the said property and effects, right, title, and interest, trust and debts of the Insolvent in the Official Assignee, in like manner, and as fully and with the like effect as is hereinbefore mentioned, and which said vesting order shall, in case of the adjudication being for any reason revoked, be thenceforth null and void, in like manner, and with the like effect, and under the same qualifications as hereinbefore is mentioned.

And Court invested with same powers as if such Insolvent had petitioned.

Provided always, that after the adjudication of an act of insolvency in any of the cases aforesaid, the Court shall direct the Insolvent to file within a time to be named by the Court, and the said Insolvent is hereby directed and required to file accordingly, a schedule in the form in Schedule (C) to this Act annexed, in the Court by which such adjudication shall have been pronounced; and the Court shall be at liberty to proceed thereupon in like manner as in the case of an Insolvent presenting a petition for relief under this Act.

Powers of Court to grant interim order for protection of Insolvents.

16. In any case where a petition shall have been presented by an Insolvent Debtor as aforesaid, or an act of insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the Court, after the filing of the schedule required by this Act, if, under the circumstances, it shall appear proper, to make an interim order for the protection of the Insolvent from arrest, and any such order may apply either to all the debts or liabilities mentioned in the said schedule, or to any of them, as the Court may think proper, and may commence and take effect at such time as the Court shall direct; and any such order may be recalled and may be renewed as to the Court may appear proper; and any such order, when so made, shall protect the person to whom it shall be given from being arrested or detained in prison for any debt or liability to which such order shall apply within the limits of the towns of Rangoon, Moulmein, and Akyab respectively, or any other place in British India, and any person arrested or detained contrary to the tenor and effect of any such order shall be entitled to his discharge out of custody upon application to any Court or Judge which or who shall have power to set at large persons illegally detained in custody under the process by virtue of which such person shall have been

arrested or be so detained. Provided always, that no such order shall operate as a release or satisfaction of the debt or demand of any creditor, nor prejudice the right of any such creditor to arrest the Insolvent, whether he shall or not have been previously arrested for the same debt or demand, in case the order shall be recalled, or shall fall by reason of the petition of the Insolvent being dismissed, or the adjudication being reversed.

Such order not to operate as a release, &c., in certain cases.

17. As soon as this Act shall come into operation, there shall be appointed by the Recorder at each of the said towns one person to each Court for the relief of Insolvent Debtors in each of the said towns respectively, to be the Official Assignee in all insolvencies, to be prosecuted in the said Court after this Act shall take effect, and every such Official Assignee shall at all times be, by virtue of such his appointment, and without any other assignment, an Assignee of every such Insolvent's estate and effects, together with any other Assignee or Assignees, or solely, according as there may or may not be then or afterwards any other Assignee or Assignees of such estate or effects.

Recorder to appoint an Official Assignee for each Court.

18. Every such Official Assignee shall give such security, and shall be subject to such rules, and shall act in such manner, as the Recorder shall direct by any rules and orders to be transmitted to the Governor-General of India in Council, for his approbation, correction or revision; and all the moveable property and effects, and the rents and profits of all immoveable property, and the proceeds of sale of all the estate and effects of the Insolvent, shall in every case be possessed and received by such Official Assignee alone, save where it shall be expressly directed by the Court to be possessed and received by such Official Assignee and the special Assignee or Assignees (if any), which the said Court shall have power, if it think fit, to direct; and in all cases of such receipt and possession shall, within seven days, be paid, delivered, or transferred by such Official Assignee, or such Official Assignee and other Assignee or Assignees, as aforesaid, to, and be kept in deposit in such public Bank or other safe place of deposit, and be managed and dealt with as the Recorder shall have directed or may direct by any rules or orders to be transmitted to the Governor-General in Council for approbation, correction or revision in manner aforesaid.

Official Assignees to give security, and be subject to rules made by Recorder.

Insolvents' estates to be received by Official Assignee alone, except when directed by the Court to be otherwise.

19. At any time after the making of any such vesting order as aforesaid, or after any such adjudication of insolvency as aforesaid, if any creditor or creditors of any such insolvent trader as aforesaid shall be desirous that an Assignee or Assignees of the Insolvent's estate and effects shall be chosen by the creditors, he or they shall be at liberty to apply in writing, by petition to the Court, that such election shall take place; and thereupon a time and place for such election shall be appointed by the Court; and all creditors whose debts amount to one hundred Rupees and upwards, who shall be included in the schedule as creditors, or who shall have proved their debts, shall be entitled to vote in such choice, and the choice shall be made by the major part in value of the creditors so entitled to vote; and the person or persons so elected shall be appointed by the Court a special Assignee or special Assignees of the estate of the said Insolvent; provided that any creditor shall be at liberty to give notice to any other person whose name is included in the schedule of the Insolvent as a creditor, but who shall not have proved his debt, to prove his debt before he shall be admitted to vote on such election, and in such case such party shall not be entitled to vote until he shall have proved his debt.

On application of creditors, after vesting orders, &c., Court may order an election of Assignees by the creditors.

20. The Recorder sitting as Judge of the Court may, at any time, in case of the unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct of any Official Assignee, or of any Assignee appointed by the Court on the election of the creditors, or for any other cause appearing to such Recorder sufficient, by his order annul such appointment, and thereupon, or in the case of the death of any such Official Assignee or other Assignee, another shall be appointed; provided that if it be the case of a chosen Assignee such appointment shall not be made unless some creditor or creditors shall apply in writing, by petition to the said Court, that an election of another person as Assignee may be had, and thereupon the Court shall proceed in all respects in like manner, and such election shall be made, conducted and declared in all respects in like manner, as is hereinbefore directed as to the election of Assignees by creditors, and no act or thing done prior to the order whereby such appointment is so vacated shall be annulled or in any way affected.

Power of Court to remove Assignees.

Mode of appointing or electing others.

21. No remuneration whatever, whether in the shape of commission or otherwise, shall be received by any Assignee, except in the manner nor beyond the extent hereinafter allowed; (that is to say) the Recorder sitting as Judge of the Court may allow a fair remuneration to the Assignee or Assignees out of the sum to be distributed as dividends, and make an order accordingly. Provided always, that such Recorder shall not have power to order any remuneration to be made to any Assignee or Assignees chosen by the creditors, unless the creditors shall at the time of the election declare that some remuneration is to be made to the Assignee or Assignees chosen by them, and at what rate such remuneration is to be made, and in such case such Recorder shall have power to reduce, but not to increase, the amount of such last mentioned remuneration.

No remuneration to be received by Assignee, except as herein provided.

22. On every appointment of a new Assignee, the estate, effects, rights and powers which would otherwise remain or be in the former Assignee or Assignees shall immediately, by virtue of such appointment, and without any conveyance or assignment in any case whatever, vest in the actual Assignee or Assignees, in trust for the benefit of the creditors of such Insolvent, in respect of and in proportion to

Estate to vest, without conveyance or assignment, in new Assignee.

their respective debts, according to the provisions of this Act; and all books, papers, deeds and writings in any way relating to the estate and effects of the Insolvent shall be transferred to and deposited with such Assignee or Assignees as last aforesaid, and from time to time, on each change of Assignees, shall be transferred to the possession of the Assignee or Assignees for the time being of such Insolvent; and the Recorder sitting as Judge of the Court shall have power to compel any Assignee or Assignees whose appointment may be vacated, or the heirs, executors, administrators, or assigns of any person once appointed such Assignee and deceased, to account for and deliver up all such estates and effects, books, papers, writings, deeds and all other evidences relating thereto, as shall have come to his or their hands, and the decision of the Court thereupon shall be final and conclusive. Whenever any Assignee shall die, or be removed from his office, and any other Assignee or Assignees shall be appointed as aforesaid, no suit brought or defended by him or them in the character of Assignee or Assignees shall be thereby abated, but upon the suggestion of each such death, removal or new appointment, such suit shall be prosecuted or defended in the name of the existing Assignee or Assignees, and any moveable and immoveable property, money and effects, vested in or possessed by any Official Assignee, shall not remain in him if he shall resign or be removed from his office, nor in his heirs, executors, or administrators in case of his death, but shall in every such case go to and be vested in his successor in office, by relation, from the time of his resignation, removal or death, as the case may be. Every such appointment of any Assignee other than the Official Assignee shall be entered of record of the said Court, and such notice thereof shall be published as the said Court shall direct. Every such Assignee so appointed shall be liable to the control of the Court, in like manner as any Officer of the said Court.

Power of Assignees

23. Every such Assignee as aforesaid shall with all convenient speed take possession, by himself, or by means of messengers of the Court, or by other fit and proper persons, of all the moveable and immoveable property and effects of the Insolvent of which immediate possession may be obtained, and shall use his best endeavours to seize, obtain, recover and reduce into possession, as speedily as possible, the rest of such property and effects, and all debts, claims and things in action, which by virtue of his appointment under this Act, and of the vesting order or adjudication aforesaid, he shall have been empowered to obtain, recover and get in.

After vesting order, no distress for rent previously due shall be made, but landlord to prove for the amount.

24. After any such vesting order shall be made as aforesaid, no distress for rent due before such vesting order shall be made upon the goods and effects of the Insolvent; but the landlord or party to whom the rent may be due shall be entitled to prove, in respect of such rent, whether the same shall or not be inserted in the schedule of the Insolvent, and to receive a dividend in respect of the said rent, and shall not, unless the petition of such Insolvent be dismissed or the adjudication be reversed, be entitled to distrain for the said rent.

Property in the order and disposition of Insolvent to be deemed his property.

25. If any such Insolvent shall, at the time of filing his petition, or at the time of filing of the petition on which an adjudication of insolvency shall be made, by the consent and permission of the true owner thereof, have in his possession, order or disposition any goods or chattels whereof such Insolvent is reputed owner, or whereof he has taken upon him the sale, alteration or disposition as owner, the same shall be deemed to be the property of such Insolvent, so as to become vested in the Official Assignee of the Court by the order made in pursuance of this Act; provided that no assignment or transfer of any ship or vessel, or any share thereof, made as a security for any debt either by way of mortgage or assignment, duly registered according to the provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of British vessels, shall be invalidated or affected by reason of such possession, order or disposition of the same as aforesaid.

Mortgages of ships or vessels, or shares thereof duly registered, not to be invalidated or affected.

Fraudulent conveyances, &c., made by Insolvent within two months before insolvency to be void.

26. If any Insolvent who shall file his petition for his discharge under this Act, or who shall be adjudged to have committed an act of insolvency, shall voluntarily convey, assign, transfer, charge, deliver or make over any property, moveable or immoveable, security for money, bond, bill, note, money, property, goods or effects whatsoever, to any creditor or to any other person in trust for or to, or for the use, benefit, and advantage of any creditor, every such conveyance, assignment, transfer, charge, delivery and making over, if made when in insolvent circumstances, and within two months before the date of the petition of such Insolvent, or of the petition on which an adjudication of insolvency may have proceeded, as the case may be, or if made with the view or intention, by the party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the said Court for his discharge from custody under this Act, or of committing an act of insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the Assignees of such Insolvent.

Government stocks, funds, &c., standing in the name of Insolvent to be transferred to the name of Assignee.

27. If any such Insolvent as aforesaid shall at any time before he shall have obtained his discharge in the nature of a certificate hereinafter mentioned be entitled to or possessed of, in his own right, any Government stock, funds or annuities, or any of the stocks or shares in any public Company in British India, it shall be lawful for the Recorder sitting as Judge of the Court, upon the application of any Assignee or any creditor of such Insolvent whose debt or demand against such Insolvent shall have been admitted or established in the matter of the said insolvency, whenever he shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name or names of such Assignee or Assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things

done or permitted pursuant to such order. Provided always, that in all transfers into the name or names of any such Assignee or Assignees, the transferee or transferees shall be described as Assignee or Assignees of the estate and effects of the Insolvent, and no dividend shall be paid to, nor any future transfer made by, any person, of any such stock, funds, annuities or shares, except under a power of attorney, in the usual form required for the receipt of dividends upon or transfer of such stock, funds, annuities and shares respectively, duly executed by such Assignee or Assignees, and attested by two credible witnesses, one of whom shall be an Officer of such Court for relief of Insolvent Debtors, and to which attestation the seal of such Court shall be affixed.

Persons, holding property of Insolvent, except stocks, &c., or indebted to him, to transfer the same and make payment of debts to the Assignee.

28. In case any person shall, after any such Insolvent shall have petitioned for his discharge under this Act, or have been adjudged to have committed an act of insolvency, and before the said Insolvent shall have obtained his discharge in the nature of a certificate as hereinafter mentioned, be possessed of or have under his power or control any property whatsoever of such Insolvent, other than any such Government stock, funds or annuities as aforesaid, or other than any of the stock or shares in any public Company within British India, or to which such Insolvent may be in any way entitled, either under any trust, express or implied, or otherwise held for his use and benefit, or in case any such person shall be at any such period indebted to such Insolvent, it shall be lawful for the Court, upon the application of any Assignee or any creditor of such Insolvent whose debt or demand shall have been admitted or established in the matter of the said insolvency, to cause notice to be given to such person, directing him to hold and retain the said property till the Court shall make further order concerning the same; and thereupon it shall be lawful for the Recorder sitting as Judge of such Court further to order such person to deliver over such property, and to pay such debts as aforesaid or any part thereof, to the Assignee or Assignees of the estate and effects of such Insolvent, for the general benefit of the creditors of such Insolvent; and such delivery and payment shall be made accordingly in obedience to such order, and such person shall by such payment and delivery, so made in pursuance of such order of such Recorder, be discharged in respect of such property and debts against all persons whatsoever.

Offices, &c., held by Insolvent, if unsaleable, may be charged with proportionate payment to Assignee; if saleable, shall vest in Assignee

29. If any such Insolvent as aforesaid shall, at any time before he shall obtain his discharge in the nature of a certificate as hereinafter mentioned, hold any public office, appointment or benefice, Civil, Military or Ecclesiastical, not saleable, or shall be in any situation or employment whatsoever in respect of which he shall receive any salary or emolument, or shall be in the receipt of any pension, then it shall be lawful for the Recorder sitting as Judge of the Court to order the said Insolvent to pay such proportion of his receipts therefrom to his Assignee as such Recorder shall think right, and all saleable offices, appointments or benefices shall vest, by virtue of the vesting order as aforesaid, in the Official Assignee in trust for the creditors of such Insolvent as aforesaid.

Powers of Assignee, with consent of creditors, to take composition, and to submit disputes, &c., to arbitration.

30. It shall be lawful for the Assignee or Assignees, with the leave of the Court first obtained, upon application to such Court, and by and with such notice to such creditors as it shall think fit to direct, to take such reasonable part of any debts due to the Insolvent as may by composition be gotten, in full discharge of such debts, and to submit to arbitration any difference or dispute between the Assignee or Assignees and any other person or persons for, or on account or by reason of any thing relating to the estate and effects of such Insolvent.

Powers of Assignee to institute and defend actions and suits.

31. It shall be lawful for the Assignee or Assignees, with leave of the Court first obtained, to commence, prosecute or defend any suits which the Insolvent might have commenced and prosecuted or defended, and to defray the costs to which he may be put in respect of such suits out of the proceeds of the estate and effects of the Insolvent; and if there be any partner of the Insolvent who shall not have joined in the petition, it shall be lawful for the Court to authorize the Assignee to join such partner with himself as plaintiff in such suit; and if such partner shall execute any release of the debt or demand for which such suit is brought, the release shall be void: Provided always, that such partner, if he shall take no part in the prosecution or defence of such suit, shall not be liable to pay costs in respect of the same; and it shall be lawful for the Recorder sitting as Judge of the Court, upon the application of such partner, to direct that he may receive so much of the proceeds of such suit as the Court shall direct.

Proviso as to persons in partnership with Insolvent.

All powers vested in Insolvent to be vested in the Assignee for the benefit of the creditors.

32. All powers vested in any such Insolvent which he might lawfully execute for his benefit shall be and are hereby vested in the Assignee or Assignees of his moveable and immoveable property by virtue of this Act, to be executed by such Assignee or Assignees for the benefit of his creditors.

Assignee to make sale of Insolvent's property.

33. The Assignee or Assignees shall with all convenient speed make sales of the property and effects of the Insolvent: Provided nevertheless, that the Court shall have full power and authority, upon the application of any Insolvent or any creditor or mortgagee of such Insolvent, to delay or postpone the sale of any property, and to make such other order respecting the same as to the Court shall seem meet.

Court may delay or postpone the sale.

Discretionary power vested in the Court as to immediate sales of property of Insolvents entitled to annuities, or contingent or uncertain interests therein.

34. And whereas Insolvents may be entitled to annuities for their own lives, or other uncertain interests, or to reversionary or contingent interests, or may have made advances of money for the cultivation of lands, or may be interested

in property in other ways; under such circumstances that an immediate sale and payment of their debts may be very prejudicial to them and to their creditors, and it may be proper in some cases to defer the sale of their property or some parts thereof, and to put it under temporary management, or to authorize the raising of money by way of mortgage or otherwise for payment of the debts or part of the debts of an Insolvent, and for defraying the expenses attending the execution of this Act, instead of selling for such purpose; in all such cases it shall be lawful for the Court at any time to take into consideration all circumstances affecting any property of the Insolvent which shall have been vested under the provisions of this Act, and if it shall appear to the Court that it would be reasonable to make any special order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said property as it may be expedient not to sell immediately according to the provisions of this Act shall not be so sold, and from time to time to order and direct in what manner such property shall be managed for the benefit of the creditors of such Insolvent, until the same can be properly sold, or until payment of such creditors be effected according to the provisions of this Act, and to make such order touching the sale or disposition or management of such property as to the Court may seem reasonable and beneficial, and upon such terms and conditions with respect to the allowance of interest on debts not bearing interest, or other circumstances, as to such Court shall seem just; and if it shall appear that the debts of any such Insolvent can be discharged by means of money raised by way of mortgage or otherwise on any of the said property of the said Insolvent, instead of raising the same by sale, it shall be lawful for the Court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the debts of such Insolvent in such manner as may be most consistent with the interest of such Insolvent and of his creditors.

Assignees to keep accounts of the estates of the Insolvents, with liberty for creditors to inspect the same.

35. The Assignee or Assignees shall keep accounts of the property, debts and credits of such Insolvent, whether separate or joint, and of all property of the Insolvent received by him or them, and all payments made by him or them, which accounts any creditor shall be at liberty to inspect at all seasonable times, and it shall be lawful for the Court to summon the Assignee or Assignees before it, and require him or them to produce all books, papers, deeds, writings and other documents in his or their possession relating to the matters of such insolvency, and upon his or their default, it shall be lawful for the Court to issue an attachment or attachments against the party or parties so making default, and to cause such Assignee or Assignees to be brought before it and to commit such Assignee or Assignees to prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on Assignee improperly dealing with Insolvent's estate.

36. If any Assignee shall knowingly retain in his hands for his own benefit, or employ for his own benefit, or knowingly permit any Co-Assignee so to retain or employ any sum, part of the estate of the Insolvent, or shall knowingly omit to invest or pay or deposit any money or other property in the manner in which it may be his duty for the time being, according to law, to invest, pay or deposit the same, every such Assignee shall, besides being liable to be removed therefor from his office of Assignee for misconduct, be liable to be charged in his accounts with such sum as shall be equal to interest at the rate of twelve *per centum per annum* on the amount or value of such money or property, or if any higher interest shall have in fact been made, then to the extent of the interest actually made, and five *per centum per annum* in addition thereto on all such money or property, for the time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid; and the Court is hereby required to charge every such Assignee in his accounts accordingly, and the amount so charged shall constitute a debt from him to such estate; and if any Assignee indebted to the estate of which he is such Assignee in respect of money so retained or employed by him as aforesaid, become insolvent, his discharge under the provisions of this Act shall only have the effect of freeing his person from arrest and imprisonment on account of such debt; but his future effects, excepting the wearing apparel, bedding and other hereinbefore mentioned articles excepted out of the operation of the vesting order aforesaid, and not exceeding the value hereinbefore limited in that behalf, shall remain liable for so much of his debts to the estate of which he was Assignee, as shall not be paid by dividends under such insolvency, together with interest for the whole amount at the rate of five *per centum per annum*.

After petition and schedule filed, and adjudication of an act of insolvency, notice to be given to creditors, and published.

37. After the petition and schedule of any Insolvent shall have been filed in the Court, and after any such adjudication of an act of insolvency shall have been pronounced as aforesaid, the Court shall cause notice thereof to be given to any creditor of the Insolvent at whose suit he may be detained in custody, or the attorney or agent of such creditor, and to the other creditors resident within British India as the Court shall direct; and notice to the like effect shall be twice at least published in the Official Gazette, and the Court in such notice shall appoint a day and place for the hearing by the Recorder sitting as Judge of such Court, of the matters of the petition of such Insolvent, and for hearing any other applications in the matter of the insolvency.

Court in such notice to appoint a day for hearing.

Course of proceeding on hearing.

38. Upon the day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future day to which such hearing may be adjourned, it shall be lawful for the Insolvent, and for any creditor of the Insolvent, as the case may require, to be heard, either by himself or by Counsel, in support of or in opposition to the petition of the Insolvent, or on any other application relating to the Insolvent or his estate; and it shall also be lawful for the Recorder sitting as Judge of such Court on those or any other occasions, and from time to time as often as occasion may require, to order any Insolvent who is in custody to be brought before him, and to summon any Insolvent who shall not be in custody, and the wife of any Insolvent, and any other person, whether a creditor or not, who may be

known or suspected to have any of the estate or effects of the Insolvent in his or her possession, or any person who may be suspected to be indebted to the Insolvent, or any person who is believed to be capable of giving any information respecting the estate and effects of such Insolvent, or respecting his acts, dealings or conduct, or any information which will more easily enable the Court to dispose of the estate and effects of the Insolvent for the benefit of his creditors; and it shall also be lawful for the Court to examine any Insolvent or his wife or any other such person, whether a creditor or not, in the same way as any other witnesses are examined in the Courts established under the said Act No. XXI of 1863 in any suits, or according to any rules which may be made for the practice of the said Courts for the relief of Insolvent Debtors respectively, or for giving effect to this Act, in the manner which is herein prescribed: Provided always, that every witness summoned to attend before the Court shall have his necessary expenses tendered to him in like manner as is required by the Code of Civil Procedure upon service of summons to a witness in a suit.

Court may admit affidavit instead of personal appearance in case of sickness, &c.

39. In all cases where any creditor or other person shall be prevented or hindered from attending the Court, by reason of sickness or infirmity, or the distance of his residence, or other reasonable cause, to be admitted by the Court, it shall be lawful for the Court to receive the affidavit or solemn affirmation of such creditor or other person, and also, if the Court shall think fit, to permit interrogatories to be filed for the examination or cross-examination of any such person.

Creditor whose name is not included in the schedule may claim and prove his debt, and receive dividends thereon.

40. When any petition shall have been presented under this Act by an Insolvent, or any adjudication of an act of insolvency shall have been pronounced as aforesaid, it shall be lawful for any person to whom any such Insolvent shall be indebted or liable in respect of any debt or demand which would have entitled such person to be inserted as a creditor in the schedule of such Insolvent, to make claim upon the estate of such Insolvent, and to prove his debt or demand, whether due by such Insolvent solely or jointly with any other person or persons; and such persons shall be entitled to and receive a dividend thereon rateably with the other creditors of the said Insolvent, although the name of such creditor may have been wholly omitted by the said Insolvent in his or her schedule, or may have been inserted for a smaller amount than the debt or demand really due to such person; and where any objection to the existence or amount of such debt or demand shall be made by such Insolvent, or any creditor, the Recorder sitting as Judge of the Court shall hear the same, and may make such order thereon as may seem just.

Mutual demands may be set off against each other.

41. When there has been mutual credit given to the Insolvent and any other person or persons, one debt or demand may be set against the other.

All debts, &c., provable under that in Bankruptcy pursuant to 6 Geo. 4 c. cap. 16 may be proved under insolvency.

42 All such debts, dues and claims as might be proved under a fiat of Bankruptcy bearing even date with the Insolvent's petition, or the adjudication (as the case may be), according to the provisions of the said Act passed in the sixth year of the reign of His late Majesty King George the fourth, intituled "An Act to amend the law relating to Bankrupts," or any other Statute or Statutes now in force or hereafter to be passed relating to Bankrupts, may also be proved as is hereinbefore mentioned, in the same manner and subject to the like deductions, conditions and provisions, as in the said Statutes are or may be set forth and prescribed.

Power to Court to order dividends to be declared, giving notice of the same.

43. Whenever it shall appear to the Court, either by the accounts of any Assignee or Assignees, or otherwise, to be probable that a dividend may be beneficially made amongst the creditors, it shall be lawful for the Court to appoint a day for the purpose of making a dividend, and to cause notice thereof to be given, in such manner as it shall direct; and on the day appointed the Assignee or Assignees shall deliver in, upon oath or solemn affirmation, as the case may be, a true statement in writing of all money received by him or by them respectively, and when, and on what account, and how the same have been employed; and the Court shall examine such statement, and compare the receipts with the payments, and shall ascertain what balances, if any, have been from time to time in the hands of such Assignee or Assignees respectively; and on the said day all parties interested shall be heard, and all objections to the schedule of the Insolvent, and to the accounts or conduct of the Assignee or Assignees; and any claims of any creditors which shall not have been previously determined shall be heard and determined either by such Court immediately, or on a reference to some Officer of the Court; and it shall be lawful for the Court to examine the Insolvent, the Assignees, and any witnesses, either on oath or affirmation, and either at that time to declare a dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such declaration or direction of the same until a further hearing, and to make such order as shall be just.

As to payment of dividends out of separate estates to joint creditors, and out of joint estates to separate creditors.

44. Provided always, that it shall not be lawful for the Court to order any dividend to be made amongst the joint creditors out of the separate estate until the separate creditors shall have been paid in full, nor to order any dividend to be made to the separate creditors out of the joint estate until all the joint creditors shall have been paid in full; in which latter case it shall be lawful for the Court to order such dividend to be made among the separate creditors out of such interest in the joint estate as such Insolvent shall appear to be entitled to.

Unless the Court is satisfied that all the estate of the Insolvent is within British India, and all debtors and creditors reside therein Assignee to reserve one-third part undivided until after twelve months' notice, to be published in the *London Gazette*.

45. Provided always, that unless it shall appear to the satisfaction of the Recorder sitting as Judge of such Court that all the property of the Insolvent is situate, and all the debtors and creditors resident, within British India, then, until the expiration of twelve months from a notice to be published in the *London Gazette* of the petition or adjudication of or against any Insolvent as hereinafter is mentioned, the Assignee or Assignees shall reserve

the full amount of one-third part of all the property of the said Insolvent which shall have been got in, and shall make a dividend amongst the creditors of the said Insolvent to the amount of the remaining two-third parts only, which third part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such way as such Court shall order, and shall not remain in the hands of such Assignee or Assignees; and at the expiration of the said term of twelve months, it shall be lawful for the Assignee or Assignees of such Insolvent to apply to the Court for a return of the said third part so reserved as aforesaid, in order that the same may be so distributed amongst the creditors as to place them all upon an equal footing; and upon such third part so reserved as aforesaid being restored to such Assignee or Assignees, he or they shall forthwith proceed to take an account of the debts of the said Insolvent admitted and established in the Court, and of the sum or sums which shall or may have been paid by way of dividend to any of such creditors, and shall distribute the fund then in the hands of such Assignee or Assignees, so as to place all the creditors of the said Insolvent, whether Indian or British or Foreign, upon a just and equal footing, and so as that every creditor whose debt or claim shall be admitted or established in the Court shall receive a rateable and proportional part of the assets of the said Insolvent according to the amount of his debt, without reference to the time at which such debt shall have been claimed.

At expiration of twelve months such one-third part to be divided.

46. If any creditor whose claim shall have been admitted or established in the Court shall not appear, by himself, his Vakeel, Attorney or Agent, at the making of any dividend, nor shall make application to receive his share thereof, the Assignee or Assignees shall certify the same to the Court at its first sitting after the making of the dividend, and it shall be lawful for the Court to direct in what manner, and by whom, and upon what conditions the money so due to such creditor shall be kept for or paid to him or to his lawfully constituted Vakeel, Attorney or Agent.

If creditors do not appear to claim dividend, Court may order payment or deposit thereof, in such way as it shall see fit.

47. If any Assignee or Assignees shall neglect to pay any dividend which shall have been ordered by the Court, or in any other respect shall neglect or commit any breach of his or their duty as Assignee or Assignees, it shall be lawful for the Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the payment of such dividend, with interest at such rate as the Court shall award, not exceeding eight *per centum per annum*, and to order the Assignee or Assignees to make such compensation to any party injured by such neglect or breach of duty as to the Court shall seem fit, and in default of obedience thereto to commit such Assignee or Assignees to the common Jail, there to remain without bail until he or they shall obey the order of the Court, and to levy by distress and sale of the offender's goods as much as shall be sufficient to satisfy the order of the Court.

Power of Court over Assignees neglecting to pay dividends or committing breach of duty as such Assignees.

48. If it shall appear to the Court that any such Insolvent as aforesaid is indebted to any servant or clerk of such Insolvent in respect of wages or salary of such servant or clerk, it shall be lawful for the Court to order so much as shall be due as aforesaid, not exceeding six months' wages or salary, to be paid to such servant or clerk out of the estate of such Insolvent, and such servant or clerk shall be at liberty to prove and receive dividends for any sum exceeding such last-mentioned amount.

Court may award wages, &c., to servants or clerks, not exceeding six months, with power to prove for any sum beyond the same.

49. Upon application to the Court for that purpose, it shall be lawful for the Recorder sitting as Judge of the Court to declare that the Insolvent is entitled to his personal discharge under this Act, and to order the same accordingly. Such order of discharge shall have the effect of protecting his person from arrest in respect of all demands inserted in his schedule or established in the same Court. If such Insolvent be in custody, it shall be lawful for the Recorder sitting as aforesaid to order his immediate discharge from custody accordingly, or to dismiss or give leave to amend the petition aforesaid, or to order the Insolvent to amend his schedule, or to adjourn the hearing until a future day, or to make a reference to some Officer of the Court to make inquiry into any matter of account, or into the truth of the schedule or schedules, and to report thereon to the Court; and it shall also be lawful for such Recorder to remand the Insolvent to prison, if a prisoner, until a further hearing or until a further time to be named in such order, or to commit the Insolvent to custody for any debt or demand, if he shall not be in custody at the time of the hearing, and to cancel or renew any such order as is hereinbefore mentioned, which may have been given for the purpose of affording interim protection to the Insolvent from arrest, and to order and direct that the Assignee shall make some reasonable allowance for maintenance of the Insolvent until final order, the amount of which shall be fixed by such Recorder, and shall not exceed five Rupees per week; and the Court by which any order of discharge shall be made upon any such hearing as is hereinbefore mentioned, shall by such order direct that the Assignee shall give such notice of such order as to the Court shall seem fit.

Court may, by order of discharge, protect Insolvent, or discharge from custody, or dismiss, &c., petition, or order to amend schedule, or adjourn the hearing, &c.

Court may remand Insolvent to prison, &c., and order an allowance for maintenance.

50. The discharge of any such Insolvent as aforesaid shall and may extend to any sum or sums of money which shall be payable, by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant or other security whatsoever, and to any sum or sums of money payable at a certain time, which time shall not have arrived at the time of the act of insolvency or petition of such Insolvent; and every person who would be a creditor of such Insolvent for such sum of money, if the same were

Discharge to extend to any sums payable by Insolvent by way of annuity at any future time, &c.

Persons who would be creditors, if monies were presently due, entitled to benefit of provisions of this Act.

presently due, shall be admissible as a creditor of such Insolvent for the value of such sum of money so payable as aforesaid, which value the Court shall, upon application at any time made in that behalf, ascertain; and such creditor shall be entitled in respect of such value to the benefit of all the provisions made for creditors by this Act, without prejudice, nevertheless, to the respective securities of such creditor, excepting as respects such Insolvent's discharge under this Act, and the discharge by virtue of this Act as to any debt or demand of any creditor of the Insolvent shall be deemed to extend also to all costs incurred by such creditor before the insolvency in any suit for the recovery of the same, and to any process of contempt for enforcing the same, and to all costs which the Insolvent would be liable to pay in clearing such contempt; and all persons as to whose demands for any such costs as aforesaid the discharge of the Insolvent is so to extend shall be deemed creditors of the Insolvent in respect thereof, and entitled in respect thereof to the benefit of all the provisions made for creditors by this Act, subject nevertheless to ascertaining the amount of such demands by taxation or otherwise.

Discharge to extend to costs incurred before insolvency.

51. If after the filing of any Insolvent's schedule in the Court and before such Insolvent shall obtain his discharge in the nature of a certificate hereinafter mentioned, any suit shall be pending against the Insolvent, his heirs, executors or administrators, in any Court in British India, or any execution or process shall be sued out or issued from any such Court, or be enforced against such Insolvent, his heirs, executors or administrators, for or in respect of any debt or demand admitted in the schedule of the Insolvent or disputed as to amount only, the said Court in which such suit shall be pending, or from which such execution or process as aforesaid shall issue, on proof to its satisfaction that such suit, execution or process, is in respect of the debt or demand aforesaid, may stay the proceedings in such suit so far as the same respects the said debt or demand, until further order of the said Court, and may set aside or suspend such execution or process, so far as the same respects the said debt or demand, until further order of the said Court as it shall think fit; and in such case the plaintiff shall pay all costs reasonably incurred by such Insolvent, his heirs, executors or administrators by reason of such proceedings, and such execution and process as aforesaid subsequent to such plaintiff's having notice of his debt or demand being included in such schedule as aforesaid: Provided always, that no prisoner whose estate shall by an order under this Act have been vested in the said Official Assignee, shall, after such order and whilst the same is in force, be discharged out of custody otherwise than under the provisions of this Act, as to any suit or process, or concerning any demand with respect to which an order of discharge can, under the provisions of this Act, be made; nor shall such suit or process abate, be discontinued, terminated or dismissed, or the plaintiff be in any way subject to pay costs by reason merely of his not having taken any further step in such suit or process, or his forbearing to proceed with the same, after such vesting order as aforesaid.

Suits against the Insolvent pending at the time of insolvency, and all proceedings therein, may be stayed, so far as relate to debts contained in Insolvent's schedule.

No prisoner whose estate is vested in Assignee to be discharged as to certain suits, &c., except under this Act.

52. In case it shall appear to any Court constituted under this Act for the relief of Insolvent Debtors, that any such Insolvent has fraudulently, with the intent to conceal the state of his affairs or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book, paper or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book, paper or writing, or that such Insolvent has fraudulently, with intent of diminishing the sum to be divided among his creditors or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said Insolvent, or made away with, charged, mortgaged or concealed any part of his property, of what kind soever, the Recorder sitting as Judge of such Court shall have power to adjudge that the Insolvent shall be imprisoned for a period or periods not exceeding two years in the whole, as such Recorder shall direct, and to declare him entitled to his discharge as aforesaid at the expiration of the term of imprisonment to which he shall be sentenced, and by warrant under the seal of the Court to order him to be arrested and committed to prison, and there to be detained accordingly.

Penalty on Insolvent fraudulently concealing his effects or destroying or falsifying books or giving undue preference.

53. In case it shall appear to the Recorder sitting as Judge of any such Court, that such Insolvent shall have contracted any of his debts fraudulently, or by means of breach of trust, or by means of false pretences, or without having any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any of his debts by any of his creditors, or shall have put any of his creditors to any unnecessary expense, by any vexatious or frivolous defence or delay, to any suit for recovering any debt or any sum of money due from such Insolvent, or shall be indebted in costs incurred in any suit vexatiously brought or defended, or shall be indebted for damages recovered in any suit for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such suit, or for breach of promise of marriage made to the plaintiff in such suit, or for damages recovered in any suit for a malicious prosecution, or for a defamation or assault as defined in the Indian Penal Code, or malicious arrest, or in any other suit for a malicious injury done to the plaintiff therein, or in any suit of tort or trespass to the person or property of the plaintiff therein, wherein it shall appear to the satisfaction of such Recorder that the injury complained of was malicious, or if it shall appear that the Insolvent's whole debts so greatly exceed his means of providing for the payment thereof during the time when the same were in the course of being contracted, reference being had to his actual and expected property, as to show gross misconduct in

Insolvents fraudulently, vexatiously, frivolously or maliciously contracting certain debts, not entitled to discharge.

contracting the same, then and in every such case it shall and may be lawful for such Recorder to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any debts, sum or sums of money, or damages to be specially mentioned in the order, and as to such debt or debts, sum or sums of money, or damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in custody at the suit of the person or persons who shall be creditor or creditors for the same respectively, for such period or periods, not exceeding two years in the whole, as such Recorder shall direct.

Where Insolvent is ordered to be discharged after imprisonment, he may still be liable to be arrested and charged in custody at the suit of certain creditors.

54. In all cases where it shall have been ordered that any such Insolvent shall be discharged from imprisonment as aforesaid at some future period, such Insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so ordered, at any time before such period shall have arrived, in the same manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such period shall have arrived, such Insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he may have been out of actual custody during all or any part of the time mentioned in such order, by reason of such Insolvent not having been arrested or detained during such time, or any part thereof.

Where Insolvent liable to further imprisonment at the suit of creditors, Court may order detaining creditor to allow him a sum for maintenance.

55. In all cases where such Insolvent shall, upon such order as aforesaid, be liable to further imprisonment at the suit of his creditors or any of them, it shall be lawful at any time for the Court by which such order shall be pronounced, on the application of such Insolvent, to order such creditor or creditors at whose suit he shall be so imprisoned to pay to such Insolvent such sum or sums not exceeding the rate of five Rupees by the week in the whole, at such times, and in such manner, and in such proportion, as such Court shall direct, and in failure of payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

Creditor opposing discharge of Insolvent to have his costs allowed him out of the estate in certain cases; if opposition frivolous or vexatious, Court may award costs against such creditor.

56. Whenever any creditor opposing such Insolvent's discharge shall prove to the satisfaction of the Recorder sitting as Judge of such Court that such Insolvent has done or committed any act for which he may be liable to remain in such custody as aforesaid, it shall be lawful for such Recorder to order the costs of such opposition to be paid to such opposing creditor or creditors out of the estate and effects of such Insolvent, by his or her Assignee or Assignees, before any dividend made thereof; and in all other cases of opposition to an Insolvent's discharge being substantiated or effectual, it shall be lawful for such Recorder to adjudge in like manner; and in case it shall appear to such Recorder that the opposition of any creditor to any such Insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Recorder to award such costs to such Insolvent as shall appear to be just and reasonable, to be paid by the creditors making such opposition, which shall be paid accordingly.

Where order has been issued for discharge of Insolvent, the Court may also discharge him as to any arrest or detainers that may be lodged against him in respect of the same.

57. Where in the matter of any such petition heard before any such Court, any order shall have been made by such Court for the discharge of any Insolvent, such Court shall also issue a warrant or warrants to the Gaoler accordingly, ordering the discharge of such Insolvent from custody, as to any arrest or detainers under which he may then be confined or which may be lodged against him before he shall be out of custody, the same being for debts in respect of which such order of discharge shall have been made, and every such order of discharge shall take effect as from the day on which it was pronounced, and every such order may be made without specifying therein any such debt or sum of money, or claims as aforesaid, or naming therein any such creditor as aforesaid, excepting so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the creditors as to whom he may be ordered to be so discharged at some future period. Provided nevertheless, that in all cases the arrest or detainer with respect to which any such Insolvent shall have been ordered to be discharged out of custody, he being then in custody thereupon, shall be specified in the warrant of such Court, to be delivered to the Gaoler in that behalf.

Such order for discharge, except in cases of appeals, shall be final and conclusive unless obtained fraudulently.

58. Every such order for discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless the Recorder sitting as Judge of such Court shall thereafter see good and sufficient cause to believe that such order has been made on false evidence, or has been made by reason of an improper suppression of evidence, or of any false statements in the Insolvent's schedule, or has otherwise been fraudulently obtained, in which case it shall and may be lawful for the Recorder sitting as Judge of such Court, upon the application of such Insolvent, or of any creditors of such Insolvent, to order such Insolvent, upon due notice to be given to such persons and in such manner as the Court shall direct, to attend or to be brought up, and the said matter to be reheard before the Recorder sitting as Judge of such Court, who shall thereupon re-hear the same, and shall and may, if just cause shall appear, annul the original order made in such case, and shall have the same powers and authorities upon such rehearing as upon an original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former order in the said matter shall not be confirmed, such order, certificate and warrant, so far as cir-

cumstances require, shall be made as required by this Act to be made in the case of the original order; and such Recorder shall and may, if necessary, remand the said Insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former order therein had not been made; and thereupon all detainers which were in force against such Insolvent at the time of his or her former discharge from custody, shall be deemed to be still in force against him or her as if such former order had not been made; and the Gaoler or keeper of the prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his custody in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such Insolvent shall refuse or neglect to appear before such Court according to such order for re-hearing as aforesaid, a copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the Court to order such Insolvent to be apprehended and committed to custody to such prison, and to issue its warrant accordingly, and to cause such Insolvent to be brought up for examination as often as to the Court shall seem fit. Provided always, that where upon such re-hearing it shall appear to the Recorder sitting as Judge of such Court that such Insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, such Recorder shall and may, if it shall appear reasonable, adjudge the discharge of such Insolvent at such future period, to be calculated without including the time during which such Insolvent shall be out of custody since the time appointed for his or her discharge by such former order as aforesaid.

If order issued erroneously, Court may revoke, annul, suspend or amend the same, and re-commit the prisoner.

59. Provided always, that if in any case an order for the discharge of any such prisoner shall have issued erroneously, and which is not pursuant to the intended order of the Court in that behalf, it shall be lawful for the Recorder sitting as Judge of the Court, on such error being shown to him, to revoke such order, and to annul, suspend or amend the same, and, if necessary, to re-commit such prisoner to his former custody, when by such order he shall have been discharged therefrom; and the Gaoler or keeper of the prison to whose custody such prisoner shall be so re-committed is hereby required to receive such prisoner into his custody, according to such re-commitment, and thereupon all detainers which were in force against such prisoner at the time of such discharge as aforesaid shall be deemed to be still in force against him as if such erroneous order had not issued.

On request of Assignee, Insolvent may at any time, although discharged, be further examined touching his estate.

60. It shall and may be lawful to and for the Assignee or Assignees from time to time, although an order for the discharge of the Insolvent may have been made, to apply to the Recorder sitting as Judge of the Court that such Insolvent may be further examined as to any matter or things relating to his estate and effects by such Recorder, and thereupon it shall be lawful for the Court to order the same; and in case such Insolvent shall neglect or refuse to appear before the Court at such time and place as shall be directed by such order, or shall refuse to be sworn, or to answer to such questions as shall be put to him relating to the discovery of his said estate and effects, then and in any of such cases it shall be lawful for such Recorder by warrant to commit such Insolvent to Jail, there to remain without bail or mainprize, until such time as he shall submit himself to the order of the Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him in pursuance of the same for the purposes aforesaid.

Penalty on Insolvent refusing to appear.

Where estate pays one-third of Insolvent's debts, or where creditors to that amount consent, Court may grant an order *nisi* for final discharge of Insolvent, appoint time for hearing, and direct notices to be given.

61. Whenever it shall appear that the estate of any Insolvent which has come to the hands of his Assignee has sufficed to pay one-third of his debts admitted or established in the matter of the said insolvency, or that a majority in number and value of the creditors whose debts are admitted by the schedule, or established by proof, have consented to such application, it shall be lawful for the Recorder sitting as Judge of the Court, at any time after the hearing of his petition, upon the application of the Insolvent by petition, which may be in the form contained in the Schedule (E) to this Act annexed, with such variations as the case may require, to make an order *nisi* for his discharge in the nature of a certificate, and such order shall specify the creditors whose demands are thereby sought to be discharged, and shall appoint a time for the further hearing of the said petition, and shall direct such notice to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order, or of so much thereof as may appear necessary, to be inserted in the Official Gazette; and the Secretary of the Chief Commissioner of British Burmah shall thereafter, without delay, transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of such petition, it shall be lawful for the said Court to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from the demands of all the creditors named in the said order *nisi*: Provided always that such order shall not affect any creditor without the limits of British India, unless notice of the said order *nisi* shall have been directed to be given in the Gazette in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also that such order shall not operate as a release or discharge of any person who was a partner with such Insolvent, or jointly bound or liable with him.

Court may, upon application of Insolvent trader, provided he has filed his schedule, make an order *nisi* for his discharge, appoint a time for hearing, and direct notices to be given.

62. It shall be lawful for any Insolvent Debtor being such trader as hereinbefore is mentioned, who shall have presented a petition under this Act, or as to whom an adjudication that he has committed an act of insolvency shall have been made under this Act, provided he shall have filed his schedule, to apply to the Court by petition, which may be in the Form contained in the Schedule (F) to this Act annexed, with such variations as the case may require; and it shall be lawful for the Recorder sitting as Judge of such Court, upon such petition, to make an order *nisi* for his discharge in the nature of a certificate, and to appoint a time for the further hearing of the said petition, and to direct such notices to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to such Recorder to be resident without the limits of British India, to cause notice of such order to be inserted in the Official Gazette; and the Secretary to the Chief Commissioner of British Burmah shall thereafter without delay transmit copies of such Gazette containing such notice as aforesaid by separate conveyances to the Secretary of State for India, so that an extract from such Gazette containing such notice may be inserted in the *London Gazette*, and upon the further hearing of the said petition, it shall be lawful for such Recorder to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless such order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired property, from all demands which would be discharged by a certificate under the Bankrupt Laws, granted under a fiat bearing even date with the Insolvent's petition, or with the adjudication, as the case may be: Provided always, that such order shall not affect any creditor without the limits aforesaid, unless notice of the said order *nisi* shall have been directed to be given in the *London Gazette* in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order *nisi* and the date of the said order to make the same absolute: Provided also, that such order shall not operate as a release or discharge of any person who was partner with such Insolvent, or jointly bound or liable with him.

If Insolvent, discharged by such order, be again sued in respect of former debts, Court may, on his application, order proceedings to be stayed and award costs.

63. If any such Insolvent, his heirs, executors or administrators shall, after such order for discharge in the nature of a certificate under this Act as aforesaid, be sued or arrested, or execution shall issue against his or their property for any debt, claim or demand from which the said Insolvent shall have been discharged by such order, on his or their application to any Court having power to stay such proceedings, or to discharge from such arrest, or to set aside such execution, and upon proof to the satisfaction of such Court of such order, and that the debt or claim for which such proceedings are had is the same from which the said Insolvent has been discharged by such order as aforesaid, such proceedings shall be stayed, and he or they shall be discharged from such arrest, and such process of execution shall be set aside, and all further proceedings in the suit in which such arrest or such execution was shall also be stayed, and the Court shall have power to award costs to the said Insolvent, or his heirs, executors or administrators, as aforesaid, in case the said proceedings shall appear to the Court to have been taken after notice of the said order, and without any reasonable cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect debts, penalties, &c., due to the Crown.

64. Provided always, that no debt due to Her Majesty the Queen, nor any fine, penalty or forfeiture whatsoever, nor any recognizance whereby a debt is acknowledged to the Queen, nor any debt due on account of any fine, penalty, or forfeiture, or any estreat, shall be deemed or taken to be such a debt as to entitle any person to petition as is before mentioned, nor shall any person be entitled to receive any dividend for the same under this Act, nor shall any such fines, penalties, forfeitures, recognizances, debts or estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special provisions for insolvent married women.

65. The provisions of this Act shall extend to married women, and the order vesting the estate and effects of every such married woman in the Official Assignees hall extend to and operate upon her interest in any property, moveable and immoveable, in possession, reversion, remainder or expectancy, subject to any rights of her husband therein, and to all property over which she shall have any beneficial power of disposition, notwithstanding her coverture, to the extent of the benefit which she might acquire therein by the exercise of such power; but the same shall not extend to her wearing apparel, bedding, and other such necessaries not exceeding in the whole the value of two hundred Rupees: Provided always, that the discharge of any married woman under the provisions of this Act shall not extend to discharge her husband from any debt in respect of which his wife shall be so discharged, but such debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon, and in force against such husband, as fully to all intents and purposes as if his wife had not obtained such discharge.

And for insolvent Lunatics.

66. If any such prisoner for debt as aforesaid shall be or become of unsound mind, and be therefore incapable of taking the benefit of this Act in such manner as he might have done if of sound mind, the Gaoler or keeper of the prison wherein such prisoner shall be, shall give information thereof to the Court for the relief of Insolvent Debtors of the town wherein such prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the state of the prisoner's mind, by examination of witnesses upon oath or solemn affirmation, or by such other means as it shall think fit, and if the Court shall conclude that the prisoner is of unsound mind, it shall be lawful for the Court, at the instance of any person on behalf of such prisoner, to order notice to be twice inserted

in the Official Gazette, and in such notice to specify and direct that application shall be made to such Court for the discharge of such prisoner on a day to be specified in such notice, being twenty days at least from the first time of publication of such notice, which notice, together with service of the notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his, her, or their Vakeel or Attorney shall be deemed sufficient to authorize the Court to proceed to the discharge of such prisoner, and the Recorder sitting as Judge of such Court, in case it shall appear to him that such prisoner is of unsound mind, shall proceed accordingly, and discharge such prisoner: Provided always, that all and every the estate, right, title, interest, power, benefit and emolument whatsoever, which would vest in the Official Assignee under a vesting order in the case of a petition by such Insolvent if he were of sound mind, shall, by force and virtue of the order for the discharge of such prisoner, be vested in the Official Assignee in the manner and for the purposes hereinbefore mentioned.

Affidavits and affirmations may be sworn, &c., before Courts, &c., appointed for that purpose.

67. Affidavits and affirmations to be used before any Court for the relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits or affirmations in any of Her Majesty's Courts of Record within the limits of British India, or before any person in Great Britain or Ireland authorized to take affidavits or affirmations.

Penalty for perjury, or for forging or counterfeiting the seal of any Court.

68. If any person, in any proceeding, examination, affidavit or affirmation had or taken under this Act, shall intentionally swear or affirm falsely, or shall forge or counterfeit the seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit seal, for the purpose of authenticating any proceedings or document, he shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Penalty for embezzlement or concealment of effects, books, papers, &c.

69. If any Insolvent who shall have filed a petition for relief, or against whom any such adjudication as aforesaid of an act of insolvency shall have been made in any of the said Courts for the relief of Insolvent Debtors, or any other person, shall wilfully and fraudulently embezzle or conceal or remove any part of the moveable or immoveable property or effects of such Insolvent or any books of account, papers or writings relating thereto, with intent to defraud his creditors, or shall destroy, alter, mutilate or falsify any of his books, papers, writings or securities, or make or be privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors, the person convicted of any such offence shall be punished with imprisonment of either description, as described in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

Application of fines imposed for the foregoing offences.

70. Whenever any person shall have been ordered and adjudged under the provisions of this Act to pay any fine for any offence hereinbefore mentioned, and such fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the estate and effects of any Insolvent shall be duly vested according to the provisions of this Act to apply to the Court by which such fine shall have been imposed; and if it shall be proved to the satisfaction of the same Court that the creditors for whose benefit the said Assignee or Assignees shall hold in trust the said estate and effects have been defrauded, or have incurred loss by means of any such offence as aforesaid, the said Court by which the said fine shall have been imposed may direct the same to be paid, after deducting the costs of prosecution, to the said Assignee or Assignees for the use and benefit of the said creditors. Provided always, that if no such application shall be made by such Assignee or Assignees within one year after any such fine shall have been paid, it shall be lawful for the Court by which such fine shall have been imposed to appropriate, apply, and to pay over such fine to such uses, purposes, and persons, and in such manner, as any other fine imposed by the same Court under the provisions of the Indian Penal Code may be lawfully appropriated, applied, and paid over.

Jurisdiction of Registrar when Recorder is not sitting.

71. Whenever the Recorder shall not sit as Judge of the Court, the Registrar shall have and exercise all such jurisdiction, authority, and powers as by this Act are conferred upon the Court, save so far as the same are by this Act expressly limited to the Recorder sitting as Judge of the Court.

Provisions of Act XXI of 1863 to apply to applications heard before, and orders made by Registrar under this Act.

72. The provisions of Act No. XXI of 1863 respecting the applications thereby authorized to be made to the Registrar of the Recorder's Court, and the variation, review, and reversal of and appeals from the orders to be made on such applications, shall apply to all applications heard before and orders made by the Registrar in pursuance of this Act.

Any person interested in proceedings before the Court may, on making a deposit, require the evidence, &c., to be taken down by a sworn Officer of the Court.

73. Any person who shall be interested in any proceeding of any of the said Courts for the relief of Insolvent Debtors, upon depositing with the proper Officer of the Court a sum of money of which the amount shall be fixed by the Court, may require that the whole of the evidence relating to any such proceeding may be taken down in writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such person shall not within one month thereafter present a petition of appeal as is hereinafter directed, it shall be lawful for the Court in which such evidence shall have been so taken down in writing as aforesaid to pay the reasonable costs and expenses thereof out of the money which shall have been so deposited as aforesaid, returning the surplus, if any, to the person who shall have deposited the same.

Power of appeal to the High Court of the Presidency.

74. It shall be lawful for any person who shall think himself aggrieved by any adjudication, order, or proceeding of any Recorder sitting as Judge of any such Court for the relief of Insolvent Debtors to present, within two months thereafter, a petition to the High Court of Judicature at Fort William in Bengal; and it shall be lawful for such last mentioned Court to order that the whole of the evidence, if any, which shall have been so taken down in writing as aforesaid, and the minutes and records of the proceedings of which complaint shall have been made, shall be brought before it, and the said last mentioned Court shall inquire into the matter of the petition, and of such proceedings and evidence, and shall make such order thereon as to the same Court shall seem just, and shall thereby direct by whom and in what manner the costs of such petition, and of the proceedings which shall have been had thereon, and of the taking down of any such evidence in writing, and of the proceedings of which complaint shall have been made, shall be paid; and such order shall be final and conclusive as to all parties, and shall be compulsory and binding upon the Court in which such proceedings so complained of shall have been had.

Officers of Court to produce proceedings and give copies thereof.

75. The proper Officer of the Court shall, on the reasonable request of any such Insolvent as aforesaid, or of any creditor or creditors of such Insolvent, or his, her, or their Vakeel or Attorney, produce and show to such Insolvent, creditor or creditors, and his, her, or their Vakeel or Attorney, at such times as such Court shall direct, every petition, schedule, order of adjudication, and all other orders and proceedings made and had relating to such Insolvent; and the Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the case may be, to permit the said Insolvent, creditor or creditors, or their respective Vakeels or Attorneys, to have inspection, at all reasonable times, of all books, papers and writings relating to the matters of the said insolvency, and the estate of the said Insolvent in the possession of such Assignees, or filed in Court in such matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or creditor or creditors, or his, her, or their Vakeel or Attorney requiring the same, a copy or copies of such petition or other proceedings, books, papers and writings as aforesaid, or of such part thereof as shall be required, receiving such fee or sum or rate of charge as such Court shall appoint for so providing the same; and a copy of such petition, schedule, order, and other orders and proceedings as aforesaid, purporting to be signed by the Officer in whose custody the same shall be, or his Deputy, certifying the same to be a true copy of such petition, schedule, order, or other proceedings, and appearing to be sealed with the seal of the Court, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted in all Courts whatever, and before Magistrates and Justices of the Peace, without any proof of such seal or other proof whatsoever, as sufficient evidence of the same.

Conveyances, &c., under this Act not liable to Stamp or other duties.

76. No conveyance, assignment, letter of attorney, affidavit, certificate or other proceeding, instrument or writings whatsoever before or under any order of any of such Courts for relief of Insolvent Debtors, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court, relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any Stamp or other duty.

Recorder may make rules and may alter and amend the same, subject to the approval of the Governor-General in Council.

77. The Recorder shall have power from time to time to make rules, not inconsistent with the provisions of this Act, for facilitating and carrying into effect within his jurisdiction the relief intended to be given by this Act in cases for which sufficient provision has not been thereby made, and from time to time to alter and add to such rules. All such rules, alterations and additions shall from time to time be transmitted to the Governor-General of India in Council for his approbation, correction or revision.

Notices of insolvency, &c., to be inserted in the Gazettes of the Presidencies and the *London Gazette.*

78. The principal Officer of the Court shall cause notices to be inserted in the Official Gazette of every petition which shall be filed in such Court by any Insolvent for relief under this Act, and of every adjudication of an act of insolvency, and of every confirmation or revocation thereof, together with the dates of the same respectively, and, in the case of an adjudication, the date of the petition on which the same is grounded, forthwith after the filing of such petition or pronouncing such adjudication or such confirmation or revocation respectively; and the Secretary of the Chief Commissioner of British Burmah shall, without delay, transmit to the Secretary of State for India two or more copies at least of every such Gazette which shall contain any such notice as aforesaid.

Order for discharge of Insolvent Debtor not to operate as a discharge to the debts, &c., of any creditor not resident within the limits of British India.

79. In case any adjudication of an act of insolvency, whether under the provisions of this Act or otherwise, shall be issued against such Insolvent trader as aforesaid, upon which such Insolvent shall be declared a bankrupt before such order for discharge in the nature of a certificate as hereinbefore mentioned, then and in such case such order shall not operate as a discharge from the debt, claim, and demand of any creditor who shall not have been resident within the limits aforesaid at any time between the filing of the Insolvent's petition or the adjudication, as the case may be, and the making of such order: Provided always that when such Insolvent shall be indebted or liable to two or more persons jointly, if any one of such joint creditors shall have been resident within the limits aforesaid within the time aforesaid, such certificate shall operate against all such joint creditors as aforesaid, notwithstanding the non-residency within the limits aforesaid of some of the said joint creditors.

Proviso as to joint creditors.

When creditors are residing out of the limits, proceedings to be transmitted from India to the Secretary of State for India.

80. Whenever it shall appear by the schedule of any such Insolvent as aforesaid that any of the creditors are resident out of the limits aforesaid, the principal Officer of the said Court for the relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such schedule, transmit two or more copies thereof to the Secretary of the Chief Commissioner of British Burmah, who shall transmit the same to the Secretary of State for India as soon as conveniently may be after the receipt thereof.

Court may direct decree to be passed for the amount of the debts stated in Insolvent's schedule.

81. Provided always, that in all cases where any Insolvent shall not have obtained his discharge in the nature of a certificate as aforesaid under this Act, the Recorder sitting as Judge of such Court may, if in the circumstances of the case he shall think fit, before making such order for such discharge, direct a decree to be passed against such Insolvent in the Recorder's Court within the limits of whose jurisdiction such Court for the relief of Insolvent Debtors shall be situate, in favour of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the amount of the debts or demands stated in the schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's estate, or so much thereof as shall appear at the time of such order to be due, which said order shall be filed in the said Court for the relief of Insolvent Debtors; and the production of such order, or of a copy of such order, under the seal of the said Court, of which order, copy and seal no proof shall be requisite, other than the production of such order or copy, shall be sufficient authority to the Recorder for passing the said decree; and then, and in every such case, and notwithstanding the provisions hereinbefore contained, if at any time it shall appear to the satisfaction of the said Court that such Insolvent is of ability to pay such debts or demands, or any part thereof, or that he is dead, leaving assets for such purpose, and that under the circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order execution to be taken out upon such judgment against the property of such Insolvent, whether the same may or may not be by law vested in his Assignee or Assignees, for such sum of money as, under all the circumstances of the case, the Court shall order, such sum to be distributed rateably amongst the creditors of such Insolvent according to the mode hereinbefore directed in the case of a dividend, and such further proceedings may be had upon such judgment as the Court may from time to time order, until the said debts or demands shall be fully paid and satisfied, and execution of such decree shall at all times be enforced by virtue of the order of the said Court for the relief of Insolvent Debtors from time to time. Provided always, that in case any application against any such Insolvent for the purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any order on such application, but also to dismiss the same, with such costs against the party making the same as to the said Court shall appear reasonable.

Execution on the same may be issued against future assets of Insolvent.

Decrees entered up under Section 81 not to be affected by lapse of time otherwise than decrees of High Courts.

82. No decree entered up in pursuance of the provisions in the last preceding Section contained shall be defeated or affected by the lapse of time or by any Act providing for the limitation of suits, unless and until such decree would have been defeated in case it had been a decree of a Court established by Royal Charter.

And when the said decree is discharged and satisfied, Court may order satisfaction to be entered up on such decree.

83. When the debts or demands in respect of which such decree shall have been passed as aforesaid shall have been satisfied, it shall be lawful for the Recorder sitting as Judge of such Court, upon application of the Insolvent, his heirs, executors or administrators, to direct satisfaction to be entered on such decree, and the production of the order of the said Court for entering up such satisfaction, or of a copy thereof, under seal of the said Court (of which said order or copy or seal no proof shall be requisite, other than the production of such order or copy as aforesaid), shall be a sufficient authority to the proper Officer for entering up the same; and if in any case it shall appear to the satisfaction of such Recorder that after the said debts and demands shall have been so discharged and satisfied as aforesaid, there shall remain in the possession or subject to the control of his Assignee or Assignees any property of any kind or description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim title by virtue of the order made in that behalf, or otherwise by virtue of his or their office of Assignee or Assignees, it shall be lawful for such Recorder, on such application as aforesaid, to order that all such property so remaining as aforesaid shall be vested in the party so applying, and be forthwith delivered up to the said party, and such order shall have the effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said party.

Rules, &c., directed to be transmitted for the Governor-General's approbation shall be in force till the return of the same.

84. Where any rules or other matters are hereinbefore directed to be transmitted to the Governor-General of India in Council for his approbation, correction or revision, the same respectively shall in the meantime be of full force and shall so continue until the expiration of fourteen days after the Court by whose authority such rules or other matters shall have been made shall have received from a Secretary to the Government of India a communication of the Governor-General of India in Council's disallowance thereof, or of any alterations directed by him to be made therein.

Commencement of Act.

85. This Act shall, as to all matters not otherwise provided for, commence and come into operation in the Towns of Rangoon and Moulmein on the first day of February one thousand eight hundred and sixty-six, and in the Town of Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of
late of

Showeth,—

THAT on the day of
your Petitioner was committed to the custody of [by virtue of a Writ of
issued against your Petitioner at the Suit of
the for the sum of Rs.],
[and that detainers have since been lodged against him at the suit of
and for sums
of and respectively],
and that he is now a prisoner in the gaol of
under the process aforesaid.

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that, upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks are to be filled up, and the parts between brackets omitted or varied according to the facts.

The Petition is to be signed by the Insolvent, and witnessed by the Gaoler.

A similar form is to be adopted in the case of a joint petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court, the humble petition of
of

Showeth,—

THAT your Petitioner is in insolvent circumstances.

That he is now residing at
within the jurisdiction of the Recorder's Court of

That he is desirous of obtaining the benefit of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays, that upon compliance with the provisions of the said Act, he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Vakeel or Attorney.

SCHEDULE (C.)

In the Court for the relief of Insolvent Debtors.

The Schedule of

In the matter of , an Insolvent.

I the said do declare, that this my schedule doth contain a full and fair description of me, as to name, trade, profession and abode, and of the debts due or growing due from me, and of all persons to whom I am indebted, or who to my knowledge and belief claim to be my creditors, together with the nature and amount of such debts and claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true and perfect account of all my estate and effects, moveable and immoveable, in possession, reversion, remainder or expectancy, and also of all places and employments of benefit to me, held by me, and also of all pensions and allowances which I have in possession or reversion, or which are held by any other person for me or on my behalf, or of or from which I derive or may derive any manner of benefit, and also of all rights and powers which I am, or any other person in trust for me or for my use or benefit is, in any manner whatever possessed of or interested in or entitled unto, or which I or any other person in trust for me or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage, together with a full, true and perfect account of all the debts due or growing due to me or any person in trust for me or for my benefit or advantage, either solely or jointly with any other person, and the names and places of abode of the several persons from whom such debts are due and growing due, and of the witnesses who can prove or other evidence to prove such debts so far as I can set forth the same; and that this my schedule doth fully and truly describe the wearing apparel, bedding, and other such necessaries and working tools and implements of myself and my family, which are excepted by me from the operation of the Act relating to Insolvents in British Burmah together with the value of such excepted articles respectively.

CREDITORS.

No.	Names and description, of creditors, of claimants, and their present or last residence.	Amount.			When contracted.	Admitted or disputed.	Nature and consideration of the debt and securities, if any; also why disputed, if disputed.
		Rs.	A.	P.			

Where there are cross demands, the party must be entered both as creditor and debtor, and "set-off" must be written under the amount.

DEBTORS.

No.	Names and descriptions and places of abode of debtors.	Amount.			When contracted.	Good, bad, or doubtful.	Nature and consideration of the debt, also securities (if any) for the same.	Witnesses, with their residences, and other evidence by which the debt may be proved.
		Rs.	A.	P.				

N. B.—If property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the schedule.

PROPERTY IN POSSESSION.

		Supposed value.
1. Interest in land, houses, rents or other real estate.	Describe the quantity of estate, if less than the absolute proprietary right, as lease for years, lease for lives, &c., local description, names of tenants, annual rent or value, statement of incumbrances (if any) thereupon, with description of them, and dates.	
2. Goods, things in action ...	Household furniture	
	Wearing apparel (not excepted)	
	Jewels, trinkets, and ornaments	
	Plate, linen, china, glass	
	Wines and other liquors	
	Books, prints, and pictures	
	Horses and other animals	
	Carriages	
	Farming stock, crops, and implements of husbandry	
	Other crops on cultivation	
	Stock in trade, machinery, and utensils in my business of	
	Ships and shares of ships, describing the ships by name, and Master, or other sufficient description	
	Cash, bills, notes, bonds, &c; any other property not particularly specified	
3. Property in public securities, Indian or otherwise, shares in Companies, annuities, &c.	Describe the fund, stock, Company, security, &c., and state in whose name, and also when and by whom the last dividend or other payment in respect of the same was received, and shares of estate	
4. Unpaid legacies. ...	Legacies, shares of intestates' estates, with all particulars concerning the same	

Property in reversion, places, pensions, allowances, rights and powers.

Contingent as well as vested interests must be entered.

Moveable and immoveable property and effects in which I have any interest in reversion, remainder, or expectancy.

		Supposed value of my interest, if now to be sold.
Interests in land, houses, rents, and other immoveable property. 2. Moveable property, as goods and certain things in action. 3. Other moveable property, as public securities, Indian or otherwise, shares in Companies, annuities.	Describe the property as in the division relating to property in possession; add a description of the nature of the interest, and from whom and in what manner it is derived, with names and descriptions of persons now enjoying the same, the value or annual value, according to the nature of the property, and in whose name or names the property now stands, or who has the legal interest therein, according to the nature of the property.	
Places, pensions, and allowances in possession or reversion.	Places of employments held by me with the salaries, fees, and emoluments thereof; also all pensions and allowances in possession or reversion held by me, or by any other person or persons for me, or on my behalf, or of or from which I derive or may derive any benefit.	
Rights and powers ...	Rights and powers which I or any other person or persons in trust for me, or for my use, benefit, or advantage, am, is, or are in any manner seized or possessed of or interested in or entitled unto, or which I or any other person or persons in trust for me, or for my benefit have or has any power to dispose of, charge, or exercise for my benefit or advantage.	
Excepted articles ...	Excepted articles, and the value thereof. Give a full description of the excepted articles and their value.	

The schedule to be signed by the Insolvent, and witnessed by his Vakeel or Attorney.

A similar form must be adopted in the case of a joint schedule.

SCHEDULE (D.)

Form of Petition for adjudication of insolvency.

FORM No. 1.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That on or about the day of the said [*here state the time and place of the charge in execution or commitment of the prisoner, and the amount of the debt or sum of money for which the prisoner shall have been so charged in execution or committed*].

That your Petitioner is desirous that the said prisoner should be dealt with according to the provisions of the Act for the relief of Insolvent Debtors in British Burmah.

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

FORM No. 2.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble petition of of

Showeth,—

That late of (heretofore and up to carried on the trade or business of at), and thereby, as your petitioner is advised, became a trader within the meaning of the Bankrupt Laws.

That on or about the day of the said [*here state shortly the act or acts of insolvency relied on*], whereby, as your petitioner is advised and believes, the said is liable to be adjudged to have committed an act of insolvency.

That at the time aforesaid the said was and now is indebted to your Petitioner in the sum of Rs. [*state for what the party is indebted, as* for Goods sold and delivered, &c.]

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the relief of Insolvent Debtors in British Burmah, and that the proper order may thereupon be made.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts within brackets varied or supplied, as the case may require.

A similar form must be used in the case of a joint Petition.

SCHEDULE (E.)

Form of Petition for discharge in the nature of a certificate of an Insolvent not a trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That on or about the day of [*the circumstances to be stated shortly*].

That the estate of your Petitioner has realized one-third of the amount of the debts established in this Court in the matter of the said insolvency [*or*, that the major part in number and value of the creditors of your Petitioner, contained in the said schedule, or who have since established their debts in this Court, have consented to the discharge of your Petitioner from all further liability in respect of his aforesaid debts, provided that this Court shall so order], as appears by the schedule annexed to this Petition, to which your Petitioner craves leave to refer.

That your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the said Act.

Your Petitioner therefore humbly prays, that he may be discharged from all liability in respect

of such debts, and that all necessary directions may be given for that purpose.

And your Petitioner, &c.

NOTE.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

The schedule to contain a copy of the original schedule, and of the debts proved since, if any, and the consents of the creditors must be signed by them, or their Vakeels or Attorneys specially authorized.

SCHEDULE (F.)

Form of Petition for discharge in the nature of a certificate of an insolvent trader.

In the Court for the relief of Insolvent Debtors.

In the matter of an insolvent trader.

To the Honourable the Commissioner of the said Court.

The humble Petition of the said Insolvent

Showeth,—

That your Petitioner, prior to his insolvency, hereinafter mentioned, carried on the trade or business of and thereby became a trader within the meaning of the Bankrupt Laws.

That on or about the day of your Petitioner petitioned for his discharge, under the Act for the relief of Insolvent Debtors in British Burmah, [*or* was adjudged by this Court to have committed an act of insolvency].

That on or about the day of your Petitioner duly filed his schedule in this Court, and that your Petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the Act relating to Insolvent Debtors in British Burmah; and he therefore humbly prays that all necessary directions may be given for that purpose, and that your Petitioner may, by the order of this Court for his discharge in the nature of a certificate, be discharged from all liability in respect of the debts or claims established, or which might by law be proved in this Court, in the matter of his insolvency.

And your Petitioner, &c.

NOTE.

The Petitioner must annex to this Petition a copy of his schedule and include all debts established, though not included in the schedule as originally filed.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared on the recommendation of the Chief Commissioner of British Burmah and at the request of the local mercantile community, is to constitute Courts for the relief of Insolvent Debtors in the towns of Rangoon, Moulmein and Akyab. It has been founded on the Statute 11 and 12 Vic., Cap. 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), but omits certain provisions which the Indian Legislature is unable to make: and introduces the modifications called for by the peculiarities of the Burmese Recorders' Courts, the tribunals by which the proposed measure will be administered.

The principal of those modifications are the following:—

It will probably be for many years inexpedient to appoint a separate Recorder for each town: the Bill therefore empowers the Registrar, who will be permanently resident in each town, to exercise the summary powers of the Court.

Where the Registrar makes an order, the appeal will be in the first instance to the Recorder, and, to ensure uniformity of practice, the procedure on application to the Registrar is regulated by reference to the Bill now before the Council, to amend Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Rangoon, Moulmein and Akyab*).

A decree given to the Assignee is placed on the same footing as if obtained in the High Court.

The powers of the Recorder respecting the dismissal of the Officers of his own Court being limited, confusion might arise from giving him larger jurisdiction over the Insolvent Court Officers. His powers over the latter Officers have therefore been limited.

The operation of the Bill, should it become law, will commence in Rangoon and Moulmein on the 1st February 1866, and in Akyab so soon as a Recorder of Akyab shall be appointed under the provisions of Act No. XXI of 1863.

H. S. MAINE.

The 20th November 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Department (Legislative).

HOME DEPARTMENT.

NOTIFICATION.

MILITARY SECRETARY'S OFFICE,
Govt. House, 24th November 1865.

The Levee and Drawing Room of their Excellencies the Viceroy and Lady Lawrence, announced for the 1st December, is unavoidably postponed.

By Command,

SEYMOUR BLANE, *Lieut. Col.*,
Mily. Secy. to the Viceroy.

The following Notification is published in supersession of Notification No. 1331, dated Simla, the 25th August last, published in the *Gazette of India* of the 26th idem, page 940 :—

No. 4366.

Fort William, the 22nd November 1865.

JUDICIAL.

Until the Governor General in Council shall otherwise provide, under the powers conferred by the Act XXVIII Vic., Cap. 15, all jurisdiction formerly exercised by the Supreme Courts of Calcutta, Madras, and Bombay, respectively, over the inhabitants of such parts of India as may not be comprised within the local limits of the Letters Patent issued under the Act XXIV and XXV Vic., Cap. 104, establishing High Courts at Fort William, Madras, and Bombay, shall, subject to the provisions of the said Letters Patent, be exercised by such High Courts respectively; to the intent that the jurisdictions exercised by the said High Courts respectively at the time of the coming into operation of the said first mentioned Act shall thenceforth, until such other provision as aforesaid, continue and be maintained.

No. 4378.

Fort William, the 20th November 1865.

NOTIFICATIONS.

Mr. J. M. Berrill, District Superintendent of Police, Chindwarrah, in the Central Provinces, has obtained one month's privilege leave of absence from the 24th November 1865, or such date as he may avail himself of the same.

No. 4380.

Raojee Rajaram, Naib Tehseeldar of Boorhanpore, Nimar District, Central Provinces, is invested with the powers described in Section 6 of Act XIV of 1865, to be exercised within the limits of the Boorhanpore Tehseelee.

No. 4382.

Madho Rao Pandoorung, Naib Tehseeldar of Kampta, Zillah Bhundara, in the Central Provinces, is invested with the powers described in Section 6 of Act XIV of 1865, to be exercised within the limits of the Kampta Tehseel.

No. 4384.

Mr. J. H. Bax, Civil Service, has reported his return to India per Steam Ship "Simla," which reached the Sandheads on the 9th instant.

No. 4385.

Major R. H. M. Aitken, v. c., Inspector General of Police in Oudh, returned, on the afternoon of the 5th instant, from the leave granted to him in Notification No. 1101, dated the 17th of August last.

No. 4386.

In continuation of Notification No. 2714, dated the 24th of March, the following Circular is published for general information :—

The "list of Medals" mentioned in para. 1 is that which was published in the above-mentioned Notification.

ROYAL HORTICULTURAL SOCIETY.

SOUTH KENSINGTON, W.
September, 1865.

SIR,—I beg to call your attention to the annexed list of Medals to be awarded at the International Exhibition of Fruit and Vegetables, to be held in these Gardens, from the 9th December to the 16th December next, inclusive.

Several questions have been asked, with regard to the manner in which fruits that will not bear a journey, are to be exhibited—in answer, I am desired to say, that such fruits may be preserved in sugar, spirits, vinegar, or in such other manner as in the opinion of the Exhibitor will be most convenient.

Wild Fruits and Vegetables will be admissible as representative collections of the country from which they come. All packages must be addressed to the care of the Garden Superintendent, Royal Horticultural Society, South Kensington, London.

I am desired especially to request, that intending Exhibitors will make known their intentions as early as possible to the Assistant Secretary—forwarding full particulars of the object they desire to exhibit.

I have the honor to be,
SIR,
Yours obediently,
J. COCKERELL,
Assistant Secretary.

No. 4388.

The 21st November 1865.

The Governor General in Council is pleased to permit the Hon'ble C. Steer to resign the Civil Service from the 23rd instant.

No. 4391.

The 22nd November 1865.

Kassim Alee, Tehseeldar of Nursingpore, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV of 1861 within the limits of his Tehseelee.

No. 4393.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, the Punjab, and Oudh, Mr. Joseph Sladen, of the Civil Service, who returned from furlough on the 9th instant.

No. 4394.

The 23rd November 1865.

Assistant Surgeon J. McNeal Donnelly, Civil Surgeon of Mergui, has obtained two months' privilege leave of absence, with effect from the afternoon of the 30th September 1865, when he made over charge of his duties to Native Doctor Noor Khan.

No. 4396.

The Right Reverend the Lord Bishop of Calcutta has granted a second month's privilege leave to the Reverend J. E. Tandy, Chaplain of Lucknow Cantonment, in extension of the leave gazetted on the 11th of October.

No. 4400.

The services of Mr. J. W. Neill, of the Civil Service, reported qualified for the Public Service, are placed at the disposal of the Foreign Department.

No. 4402.

The 24th November 1865.

The under-mentioned gentlemen, appointed by the Secretary of State for India Members of Her Majesty's Civil Service, on the Bengal Establishment, reported, on the 10th instant, their arrival at the Sandheads on the 9th idem:—

Mr. Spencer Faithorne Arthur Smith,
" Alexander Robinson,
" George Emmanuel Low:—

and Mr. William Thaine, appointed a Member of the same Service, reported, on the 11th instant, his arrival at the Sandheads on the 9th idem.

No. 4403.

Captain B. W. Ryall, District Superintendent of Police, Lucknow, is granted two months' privilege leave, under the rules applicable to Military Officers in Civil employ, with effect from the afternoon of the 1st instant.

No. 4405.

Mr. J. W. Neill, a Junior Civil Servant, having obtained a Certificate of High Proficiency in Sanskrit, has been presented with the authorized donation of Rs. 800.

No. 4406.

Captain M. Proctor, District Superintendent of Police, Sultanpore, Oudh, availed himself, on the afternoon of the 14th of October, of the leave granted to him under date the 24th idem.

No. 4408.

Lieutenant W. Hamilton, District Superintendent of Police, Oomrawuttee, in the Hyderabad Assigned Districts, made over charge of his Office to Mr. H. W. Bowen on the afternoon of the 14th October.

No. 4410.

Lieutenant R. A. Cole, Cantonment Magistrate and Superintendent of Police, Bangalore, has been granted privilege leave of absence for two months, from the 23rd October 1865.

No. 4412.

Lieutenant R. A. Cole, Cantonment Magistrate, Bangalore, made over charge of the Police Court, on the afternoon of the 23rd October, to Captain W. Hill.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

JUDICIAL.

No. 430.

The 22nd November 1865.

A Commission of the Peace was issued from the High Court of Judicature in Bengal, on the 27th February last, directed to the under-mentioned Officer serving in the Province of Coorg:—

William Hobart Kerr, Superintendent of Coorg.

REVENUE.

No. 464.

The 23rd November 1865.

Whereas it appears to His Excellency the Viceroy and Governor General in Council that land is required to be taken up by Government at the public expense, for a public purpose, viz., for Cholera Encampments for European Troops, it is hereby notified that land as detailed below will be required:—

District.	Mouzah.	Acres.	Roods.	Poles.
Jubbulpore ..	Betta ..	49	1	0
Ditto ...	Adhaital ...	25	3	32
	Total ...	75	0	32

This declaration is made under Section II, Act VI of 1857.

MILITARY.

No. 355.

The 24th November 1865.

Lieutenant W. Battye, Adjutant of the Meywar Bheel Corps, is granted 30 days' leave of absence, from the 15th proximo, or from the date on which he may avail himself of it, to proceed to Bombay, preparatory to applying for furlough to Europe on medical certificate.

GENERAL.

No. 2223.

The 21st November 1865.

Mr. R. M. King, Deputy Commissioner and Settlement Officer, Pertabgurh, returned, from the

privilege leave granted to him in G. O. G. G. No. 1540, dated 22nd July last, and resumed charge of his Office on the afternoon of the 1st instant.

No. 2225.

Dr. J. McL. Pemberton, Presidency Surgeon, Hyderabad, availed himself, on the evening of the 2nd instant, of the privilege leave granted to him in G. O. No. 2124, dated 25th ultimo.

No. 2227.

Major J. A. Wright resumed charge of the Gwalior Treasury, from Major A. R. E. Hutchinson on the 2nd instant.

No. 2234.

The 22nd November 1865.

Major J. Puckle, Deputy Superintendent, 3rd Class, Mysore, reported his return to India from leave to Europe on the 28th ultimo, and his arrival at Bangalore on the afternoon of the 31st idem.

No. 2236.

Mr. R. Temple, Chief Commissioner of the Central Provinces, returned to India on the 29th ultimo, and resumed charge of his Office from Mr. J. S. Campbell on the forenoon of the 6th instant.

No. 2244.

The 23rd November 1865.

Moung H'toon, Extra Assistant Commissioner, British Burmah, returned to his duty on the forenoon of the 26th September last, from the leave granted him in G. O. No. 2057, dated 16th ultimo.

No. 2246.

Lieutenant Plummer, of the Revenue Survey Department, Hyderabad Assigned Districts, has been granted leave of absence from the 19th September to the 21st October 1865, inclusive, to appear before the Examination Committee at Bombay.

No. 2248.

Captain W. Munro, Assistant Commissioner, 2nd Grade, British Burmah, made over charge of the Court and Office at Henzada, to Moung Kyan Doon, Extra Assistant Commissioner, 1st Class, 2nd Grade, on the afternoon of the 24th October 1865, and assumed charge of the Assistant Commissioner's Office and Court at Myanoung, from Mr. W. DeCourcy Ireland, on the afternoon of the 28th idem.

No. 2251.

The 24th November 1865.

Assistant Surgeon J. C. Morrice resumed the Medical charge of the Gwalior Political Agency on the 31st ultimo.

No. 2253.

Wuzeer Hoosain, Officiating Extra Assistant Commissioner in the Settlement Department in Oudh, is appointed to be Extra Assistant Commissioner, vice Mr. R. S. H. Haldane, resigned.

No. 2255.

Captain R. G. Watson, 2nd Secretary to Her Majesty's Legation in Persia, availed himself, on the 6th of June last, of the leave of absence granted to him in G. O. No. 329, dated 28th April last.

W. Muir,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 3041.

Fort William, the 24th November 1865.

Notifications.

Appointment.—Mr. John Gordon to be an Auditor of the Accounts of the Administrator General of Bengal, vice Mr. G. W. Kellner, resigned.

No. 3111.

Mr. L. C. Probyn resumed charge of the Office of Accountant General, Punjab, on the forenoon of the 18th instant.

Mr. W. Clark received charge of the Office of Deputy Accountant General, Punjab, from Mr. A. Anthony, on the forenoon of the same day.

Baboo D. Teagiah, Junior Assistant, Financial Secretary's Office, reported his return from sick leave, and resumed his duties on the forenoon of the 23rd instant.

E. H. Lushington,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 18th November 1865.

No. 1063 *of* 1865.—The services of Lieutenant Colonel J. H. Maxwell, of the Royal Engineers, are placed at the disposal of the Public Works Department.

No. 1064 *of* 1865.—With reference to paragraph 17 of the Resolution of Government in the Financial Department, No. 2695, dated 30th September 1864, on the Report of the Commissioners of Inquiry on the system of Audit and Account pursued in the Military Department, published in the *Gazette of India Extraordinary* of the 13th October 1864, it is hereby notified that His Excellency the Governor General in Council has, on a re-consideration of the subject in the Financial Department, been pleased to direct that the practice of submitting half-yearly Returns of stores with Regiments and Batteries be reverted to for the Bengal Presidency. The order for the substitution of annual for half-yearly Returns is therefore cancelled.

The 20th November 1865.

No. 1065 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Assistant Surgeon Robert Rouse, of the Medical Department, in Medical charge of the 3rd Cavalry Punjab Frontier Force.	For two years, under the new Regulations, embarking at Bombay.

No. 1066 *of* 1865.—The services of Lieutenant Colonel H. C. Adlam, of the Bengal Staff Corps, are placed at the disposal of the Government of Bengal.

No. 1067 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Clement James Griffiths, of the late 72nd Regiment Native Infantry, Quarter Master, 43rd (Assam) Light Infantry Regiment.	For 20 months, under the new Regulations.

No. 1068 *of* 1865.—The services of Lieutenant J. G. Hall, of the Royal Engineers, are placed at the disposal of the Public Works Department.

No. 1069 *of* 1865.—Principal Inspector General John McClelland, FEL. U. C., of the Medical Department, is permitted to retire from the service on a pension of £550 per annum, with the additional pension of £350 per year authorized in the 36th paragraph of Sir C. Wood's letter of the 7th November 1864, published in Government General Order No. 1060 of the 23rd December last, with effect from the date of his departure for Europe by the next Overland Steamer.

No. 1070 *of* 1865.—The under-mentioned Warrant Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Conductor Henry Hobbry, of the Ordnance Commissariat Department.	For 18 months.

No. 1071 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Major Holled Wallace Henry Coxe, of the Bengal Staff Corps, Deputy Commissioner, Punjab.	For 20 months.

No. 1072 *of* 1865.—The following promotion by Brevet is made under the operation of Government General Order No. 632 of the 4th August 1864, subject to Her Majesty's approval:—

Brevet.

Corps.	Rank and Name.	Date from which entitled to the rank of Captain.
	To be Captain.	
Late 23rd Native Infantry.	Lieutenant John Bartleman.	20th October 1865.

The 21st November 1865.

No. 1073 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.

4th Cavalry.

Lieutenant J. O. Underwood, of the Madras Staff Corps, to be Doing-duty Officer, vice Lieutenant W. F. S. Perry, appointed to the 5th Infantry.

No. 1074 *of* 1865.—The following order issued by the Government of Fort St. George is confirmed. The leave to have effect from the 3rd April 1865, the date of Assistant Surgeon FitzGerald's departure from Bengal on the leave granted him on medical certificate in Government General Order No. 284, dated 17th March 1865:—

No. 383, *dated* 31*st October* 1865.—Granting leave to Europe on medical certificate to Assistant Surgeon A. FitzGerald, of the Medical Department.	For 20 months, under the new Regulations, embarking at Madras.

No. 1075 *of* 1865.—His Excellency the Governor General in Council is pleased to promote Store Sergeant T. S. Ranson, attached to the Ordnance Magazine at Aurungabad, to the grade of Sub-Conductor.

No. 1076 *of* 1865.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Charles Henry Ewart, of the late 25th Regiment Native Infantry, District Superintendent of Police, 3rd Grade, Goordaspore, Punjab.	18th February 1861.

No. 1077 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Lieutenant Hugh Arthur Lewes, late 20th Regiment Native Infantry, Adjutant of the 30th (Punjab) Regiment Native Infantry.	For 2 years, under the new Regulations.

No. 1078 *of* 1865.—Some misapprehension having arisen as to whether Indian allowances are claimable by Officers of the new Royal Artillery or new Line Regiments when taking furlough in India, it is hereby notified that furlough in India or elsewhere can only be granted under precisely the same conditions in regard to pay and reckoning service for pension as if such furlough were taken to Europe, and consequently Indian allowances cannot be passed for any period of such furlough.

2. Leave on private affairs in India for any period exceeding six months will be considered as furlough in India.

No. 1128 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 309, dated 25th October 1865, is published for general information :—

MILITARY. INDIA OFFICE;
No. 309. *London, 25th October* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

PARA. 1.—The under-mentioned Officers have been permitted to return to their duty, viz. :—

Major C. M. Fitzgerald.
" O. J. M'L. Farrington.
" C. St. G. Brownlow.

Brevet Major J. C. Bonamy, by the Steamer, 20th November.

Brevet Major C. Need.
" E. Thompson.

Captain A. Cory.
" R. S. Graves.
" J. Graham.
" W. Wroughton.
" J. A. Grant.
" W. G. Keppel.
" G. Wheeler.
" W. D. Hogg, viâ the Cape.
" H. A. W. Waterfield, per Steamer, 4th December.

Lieutenant D. J. Stewart, viâ Bombay.
" R. G. Armstrong.
" W. F. Bartleman.
" F. D. Harington.
" G. W. Holdsworth.
" E. F. Fortescue.
" C. S. Noble, viâ the Cape.
" T. H. T. Drake.
" G. C. Napier, viâ Bombay Steamer, 3rd November.

Surgeon Major C. Archer, viâ Bombay.
" G. E. Morton.

Surgeon J. C. Collins, per Steamer, 20th November.

Surgeon G. Barnard.

Assistant Surgeon N. A. Baillie.
" J. Duncan.
" A. Vans Best.

Assistant Apothecary T. M. Sullivan, viâ the Cape.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz. :—

Major A. Blackwood	4 months.
" J. P. Briggs	6 "
Brevet Major J. B. Lind	
" E. Oakes	
Captain T. C. Graham	
" A. D. Jennings,	
" A. Combe,	3 "
Lieutenant W. B. Craigie	6 months.
" H. C. Collier	
" F. H. Thomas	
" H. Goschen	
" J. G. Macleod	
" M. H. Heathcote	
" W. J. Cochrane	
" D. C. S. L. Carnegie	
" H. F. Woodcock	
" J. B. Chatterton,	
Surgeon Major W. F. Mactier	
" E. Goodeve	
Asst. Surgeon A. D. Campbell	

3. Surgeon Major G. Harper has been permitted to retire from the service from the 1st August 1865, under the operation of the rule laid down in my Despatch No. 172 of the 24th April 1861.

4. With reference to your Despatch No. 312, dated 31st July 1865, I have to inform you that Assistant Surgeon H. W. Robinson has been permitted to retire from the service, with effect from the 28th December 1863, on the half pay pension of Lieutenant.

5. With reference to my Despatch No. 278, dated 15th September 1865, I have to inform you that the under-mentioned Assistant Surgeons have been allowed to defer their departure for Calcutta till the date affixed to their names, viz. :—

Asst. Surgeon R. Reid, till the 12th November.
" J. M'Iver, till the 7th November.
" E. B. Gardner, till the 20th Oct.

I have, &c.,
(Signed) C. WOOD.

The 6th December 1865.

No. 1129 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment, to have effect from the 26th instant :—

Assistant Surgeon J. A. P. Colles, M. D., Officiating as Professor in the Calcutta Medical College, to the medical charge of the Lawrence Military Asylum at Sunawur, vice Assistant Surgeon Wright, appointed to another situation.

No. 1130 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to
Governor General's Body Guard.	Havildar Futteh Khan ...	Jemadar ...	31st Oct. 1865 ..	Allif Khan, promoted.
27th Regt. Punjab Infy.	Jemadar Chunda Sing ...	Subadar ...	1st May 1865 ...	Meer Hydur Hussein, invalided.
Ditto	Havildar Neaz	Jemadar ...	Ditto ...	Chunda Sing, promoted.
Ditto	Ditto Doollah Singh ...	Ditto ...	8th Sep. 1865 ...	Buddun Sing, deceased.
Ditto	Ditto Deo	Ditto ...	27th Oct. 1865	Fyz Buksh, deceased.

The 7th December 1865.

No. 1131 *of* 1865.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Thomas Augustus Scott, of the late 28th Native Infantry, Assistant District Superintendent of Police, Raepore, now Assistant Commissioner, Central Provinces ...	14th September 1865.

No. 1132 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Bengal Infantry.	Major (Lieutenant Colonel in Staff Corps) Solomon Richards ...	Lieut. Colonel.	5th June 1865.	Lieutenant Colonel (Brevet Colonel) P. Harris, Bengal Infantry, promoted to Major General.
Cadre of late 55th Native Infantry.	Captain (Major in Staff Corps) Augustine Allen	Major ...	Ditto ...	
Ditto	Lieutenant (Brevet Captain) Edward Humphrey Woodcock ...	Captain ...	Ditto ...	
Bengal Infantry	Major (Lieutenant Colonel in Staff Corps) James Knox Spence ..	Lieut. Colonel.	5th June 1865.	Lieutenant Colonel S. Richards, Staff Corps, removed from the list of Regimental Lieutenant Colonels.
Cadre of late 20th Native Infantry.	Captain (Major in Staff Corps) Edward Moody Ryan	Major ...	Ditto ...	
Ditto	Lieutenant (Brevet Captain) John Hobart Tyler	Captain ...	Ditto ...	
Bengal Infantry.	Major (Brevet Lieutenant Colonel) Rowland Rees Mainwaring ...	Lieut. Colonel.	5th June 1865.	Lieutenant Colonel J. K. Spence, Staff Corps, removed from the list of Regimental Lieutenant Colonels.
Cadre of late 6th European Regt.	Captain (Brevet Major) Charles Need	Major ...	Ditto ...	
Ditto.	Lieutenant (Captain in Staff Corps) Brook Samuel Bridges Parlby ...	Captain ...	Ditto ...	
Bengal Infantry.	Major Nicholas Carnegie Boswell ...	Lieut. Colonel.	23rd July 1865.	Lieutenant Colonel (Brevet Colonel) J. Travers, V. C., Bengal Infantry, promoted to Major General.
Cadre of late 2nd Native Infantry.	Captain (Major in Staff Corps) Henry Mills	Major ...	Ditto ...	
Ditto.	Lieutenant (Brevet Captain) Jocelyn Pickard Cambridge	Captain ...	Ditto ...	

The 7th December 1865.

No. 1133 *of* 1865.—The following extract from the *London Gazette* of the 3rd October 1865 is published for general information :—

India Office, 3rd October 1865.

Her Majesty has been pleased to approve of the following promotions and alterations of rank amongst the Officers of the Staff Corps and of Her Majesty's Indian Military Forces :—

The under-mentioned Officer having completed five years' service as Major and Brevet Lieutenant Colonel and as Regimental Lieutenant Colonel, to be Colonel in the Army, under the operation of clauses 8 and 9 of the Royal Warrant, dated 31st January 1859 :—

Lieutenant Colonel George Samuel Montgomery, Bombay Infantry. Dated 20th December 1864.

BENGAL ARMY.

To be Lieutenant-Colonels.

Major Charles Jackson, late 39th Native Infantry. Dated 11th December 1864.

Major Henry Larkins Robertson, late 65th Native Infantry. Dated 11th December 1864.

Major Wredenhall Queiros Pogson, late 43rd Native Infantry. Dated 12th December 1864.

Major Folliott Walker Baugh, late 26th Native Infantry. Dated 13th January 1865.

Major Henry Richard Shelton, late 38th Native Infantry. Dated 13th January 1865.

Major Alexander Sutton Osborn Donaldson, late 45th Native Infantry. Dated 24th January 1865.

Major William Claye Watson, late 45th Native Infantry. Dated 24th February 1865.

Major Henry Elliott Young, late 64th Native Infantry. Dated 9th March 1865.

To be Majors.

Captain Archibald Cumine, late 4th Native Infantry. Dated 10th December 1864.

Captain Frederick John Ellis, late 58th Native Infantry. Dated 10th December 1864.

Captain Montague James White, late 26th Native Infantry. Dated 10th December 1864.

Captain Frederick Charles Innes, of the late 60th Native Infantry. Dated 10th December 1864.

Captain Frederick Ernest Laing, of the late 17th Native Infantry. Dated 10th December 1864.

Captain Samuel Dewe White, of the late 3rd European Regiment. Dated 10th December 1864.

Captain William Conrad Hamilton, of the late 2nd European Regiment. Dated 5th January 1865.

Captain John Mackillop Mackenzie, Staff Corps. Dated 28th January 1865.

Captain Gordon Cavanagh, late 39th Native Infantry. Dated 18th January 1865.

Captain Robert Stothert, of the late 4th Native Infantry. Dated 18th January 1865.

Captain Richard Chaloner Lindsey, of the late 24th Native Infantry. Dated 11th February 1865.

Captain Richard Jenkins, late 5th Cavalry. Dated 20th February 1865.

Captain Abraham Charles Bunbury, late 34th Native Infantry. Dated 1st January 1864.

Captain Francis Henry Hanmer, late 34th Native Infantry. Dated 9th December 1864.

Captain Henry John Allan, late 9th Native Infantry. Dated 19th March 1865.

To be Captains.

Lieutenant William Henry Joseph Lance, Staff Corps. Dated 18th September 1861.

Lieutenant William Frederick Edwards, late 45th Native Infantry. Dated 9th December 1864.

Lieutenant Alexander Cockburn, late 52nd Native Infantry. Dated 20th January 1865.

Lieutenant Lancaster Byron James Davies, late 5th European Regiment. Dated 13th February 1865.

BENGAL STAFF CORPS.

Promotions.

To be Lieutenant Colonels.

Major (Brevet Colonel) Albert Fytche. Dated 11th December 1864.

Major Edward Lascelles Dennys. Dated 11th December 1864.

Major George Cliffe Hatch. Dated 12th December 1864.

Major Henry Charles Adlam. Dated 13th January 1865.

Major William Agnew. Dated 14th January 1865.

Major Edwin Alexander Rowlatt. Dated 14th February 1865.

To be Majors.

Captain (Brevet Lieutenant Colonel) Alexander Robinson. Dated 3rd December 1864.

Captain William Elliot Marshall. Dated 9th December 1864.

Captain (Brevet Major) Thomas James. Dated 10th December 1864.

Captain John Adam Tytler, v.c. Dated 10th December 1864.

Captain Richard Joseph Dickson Ferris. Dated 10th December 1864.

Captain Frederic James Stephenson. Dated 10th December 1864.

Captain (Brevet Major) Alexander Walshman Owen. Dated 20th December 1864.

Captain Samuel Black. Dated 29th December 1864.

Captain Edward Pryse Lloyd. Dated 29th December 1864.

Captain Charles Henry Hall. Dated 29th December 1864.

Captain John Crawfurd Millar. Dated 29th December 1864.

Captain Alexander Thomas Armstrong. Dated 3rd January 1865.

Captain (Brevet Major) John Francis Stafford. Dated 12th January 1865.

Captain Charles Chester Dandridge. Dated 18th January 1865.

Captain Hugh Pigot Williams. Dated 18th January 1865.

Captain (Brevet Major) Robert Cogan Cross. Dated 18th January 1865.

Captain Henry Ramsay Wroughton. Dated 20th January 1865.

Captain (Brevet Major) Huntley Rothery Garden. Dated 20th January 1865.

Captain James Williamson. Dated 20th January 1865.

Captain William Paske. Dated 11th February 1865.

Captain Patrick Maxwell. Dated 11th February 1865.

Captain John Leven. Dated 11th February 1865.

Captain William Reveley. Dated 11th February 1865.

Captain William Charles Robert Mylne. Dated 20th February 1865.

Captain Herbert Taylor Macpherson, v.c. Dated 28th February 1865.

Captain (Brevet Major) Edward Ham Langmore. Dated 1st March 1865.

Captain Edward Bertie Clay. Dated 2nd March 1865.

Captain Francis Kenrick Bacon. Dated 19th March 1865.

To be Captains.

Lieutenant James William Hope Johnstone. Dated 20th December 1864.

Lieutenant George Baring Stainforth. Dated 20th January 1865.

Lieutenant Alfred Tulloch. Dated 20th January 1865.

Lieutenant Charles Ward Hawes. Dated 13th February 1865.

Lieutenant Gerard Noel Money. Dated 4th March 1865.

Lieutenant (Brevet Captain) Brooke Rynd Chambers. Dated 23rd March 1865.

BENGAL ARMY.

Promotions.

Infantry.

Major (Brevet Lieutenant Colonel) George Remington Cookson, from late 4th Native Infantry, to be Lieutenant Colonel, vice Garrett, deceased. Dated 4th August 1864.

Major (Brevet Lieutenant Colonel) Alexander Boyd, from late 2nd European Regiment, to be Lieutenant Colonel, vice Chamberlain, promoted to Major General. Dated 5th August 1864.

Major (Brevet Lieutenant Colonel) Henry Richard Shelton, from late 38th Native Infantry, to be Lieutenant Colonel, vice Remy (Staff Corps), removed from List of Lieutenant-Colonels. Dated 12th March 1865.

Late 4th European Light Cavalry.

Lieutenant Henry Boileau Lockwood to be Captain, vice Caulfield, deceased. Dated 6th October 1864.

Late 11th Native Infantry.

Lieutenant (Brevet-Captain) Thomas Martin Shelly to be Captain, vice Safe, retired. Dated 31st March 1864.

Late 12th Native Infantry.

Lieutenant William Astell Franks to be Captain. Dated 16th July 1864.

Captain Patrick George Scott to be Major.

Lieutenant Roderick Boyd Mackenzie to be Captain, vice Adams (Staff Corps), deceased. Dated 23rd January 1865.

Late 31st Native Infantry.

Captain (Brevet Major) Henry Finch to be Major, Lieutenant Thomas Norris Baker to be Captain, in succession to Tickell (Staff Corps), retired. Dated 15th January 1865.

40th Native Infantry.

Lieutenant (Brevet Captain) Hardress Edmund Waller to be Captain, vice Stone, deceased. Dated 6th November 1864.

47th Native Infantry.

Lieutenant (Brevet Captain) William Gordon to be Captain, in succession to Walker, deceased. Dated 12th March 1864.

51st Native Infantry.

Lieutenant (Brevet Captain) Edward Pitches Wilson Ripley to be Captain, in succession to Abbott, retired. Dated 27th October 1864.

Late 74th Native Infantry.

Lieutenant Robarts William Elton to be Captain, vice Mew, retired. Dated 24th October 1864.

ALTERATIONS OF RANK.

Late 2nd Cavalry.

Captain Ambrose Dawson Jennings to take rank from 12th October 1863, vice Clifford (20th Hussars), retired.

Late 12th Native Infantry.

Captain Philip Sydney Yorke to take rank from 24th December 1863, vice Hall, retired.

MEDICAL OFFICERS.

To be Surgeons Major.

Surgeon George Ranken Playfair, M. D. Dated 3rd November 1864.

Surgeon William Fullarton Mactier, M. D. Dated 3rd December 1864.

Surgeon James Lee, M. D. Dated 10th January 1865.

Surgeon George Banister. Dated 12th January 1865.

Surgeon Francis Douglas, M. D. Dated 18th January 1865.

Surgeon Robert James Atkinson. Dated 24th January 1865.

Surgeon Francis Turnbull, M. D. Dated 11th February 1865.

Surgeon John Nicholas Tresider. Dated 1st March 1865.

Surgeon St. George Wade Tucker, M. D. Dated 14th March 1865.

Surgeon Charles Manners Smith. Dated 19th March 1865.

To be Surgeons.

Assistant Surgeon William Peskett, vice Wilson, retired. Dated 1st April 1863.

Assistant Surgeon Stewart Clark, vice Balfour, retired. Dated 28th May 1863.

Assistant Surgeon Henry Francis Williams, M. D., vice Faithfull, deceased. Dated 10th September 1863.

Assistant Surgeon James Bedford Allen, vice White, retired. Dated 8th March 1864.

Assistant Surgeon Francis Nottidge Macnamara, M. D. Dated 15th June 1864.

ALTERATIONS OF RANK.

The under-mentioned Officers to rank from the dates specified, viz :—

Surgeon Frederick Corbyn, from the 16th May 1863.

Surgeon Charles Lowdell, from the 25th May 1863.

Surgeon John Hooper, from the 10th June 1863.

Surgeon David Young, M. D., from the 24th July 1863.

Surgeon Joseph Fayrer, M. D., from the 28th July 1863.

Surgeon William Henry Adley, from the 24th August 1863.

Surgeon Edward John Vivian, from the 16th September 1863.

Surgeon James Alexander Caldwell Hutchins, from the 25th September 1863.

Surgeon John Barclay Scriven, from the 12th October 1863.

Surgeon Joseph Walter Raleigh Amesbury, from the 18th December 1863.

Surgeon Charles Stewart, M. D., (deceased), from the 20th December 1863.

Surgeon Edward McKellar, from the 20th December 1863.

Surgeon Annesley Charles Castriot De Renzy, from the 12th March 1864.

Surgeon Alexander Christian, M. D., from the 24th March 1864.

Surgeon James Macnabb Cunningham, M. D., from the 1st April 1864.

Surgeon Joseph Christian Corbyn, M. D., from the 8th April 1864.

Surgeon George Moncrieff Govan, M. D., from the 15th June 1864.

Surgeon Richard Henry Perkins, from the 15th June 1864.

Surgeon Stephen Chapman Townsend, from the 15th June 1864.

Surgeon William Burns Beatson, M. D., from the 15th June 1864.

Surgeon Charles Thomas Paske, from the 15th June 1864.

Surgeon Frederick Blyth Dalzel, M. D., from the 15th June 1864.

Surgeon Samuel Bowen Partridge, from the 15th June 1864.

Surgeon Edward Taylor, from 7th August 1864.

Surgeon Henry William Spey, from the 26th September 1864.

Surgeon Alfred James Dale, M. D., from the 1st November 1864.

Surgeon Arthur Young, from the 15th November 1864.

Her Majesty has been pleased to approve of the following appointments to Her Majesty's Indian Medical Service :—

To be Assistant-Surgeons.

BENGAL.

Kenneth McLeod, M. D. Dated 31st March 1865.

James Cleghorn, M. D. Dated 31st March 1865.
Robert Harvey, M. B. Dated 31st March 1865.
Robert Reid. Dated 31st March 1865.
Benjamin Knowles, M. B. Dated 31st March 1865.
Andrew Skeen, M. B. Dated 31st March 1865.
John Bennett, M. D. Dated 31st March 1865.
Robert Bremner Thomson, M. D. Dated 31st March 1865.
James Robertson MacIver, M. D. Dated 31st March 1865.
Edward Barton Gardner. Dated 31st March 1865.
James Kelley, M. D. Dated 31st March 1865.
Lionel Dixon Spencer, M. D. Dated 31st March 1865.

The 8th December 1865.

No. 1134 *of* 1865.—The services of Hospital Steward Frederick William Hall, of the Subordinate Medical Department, are placed temporarily at the disposal of the Government of Bengal.

No. 1135 *of* 1865.—The under-mentioned out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of Pension per diem.
Corporal Daniel Raunaghan, late of Her Majesty's 107th Foot.	1*s.* (one shilling) from the date on which he ceases to receive Regimental pay or allowances.
Gunner James Bartlett, late of No. 4 Battery, 24th Brigade, Royal Artillery.	10½*d.* (ten pence half penny) from the date on which he ceases to receive Regimental pay or allowances.
Gunner Thomas Lennan, late of B. Battery, 19th Brigade, Royal Artillery.	1*s.* (one shilling) from the date on which he ceases to receive Regimental pay or allowances.
Trumpeter Henry Dillon, late of the 24th Brigade, Royal Artillery.	1*s.* (one shilling) from the date on which he ceases to receive Regimental pay or allowances.
Sergeant John Owens, late of Her Majesty's 53rd Foot.	1*s.* 8½*d.* (one shilling and eight pence half penny), payable from 1st October 1860.

No. 1136 *of* 1865.—With reference to Government General Orders noted in the margin, His Excellency the Governor General in Council is pleased to lay down the following revised scale of medical comforts for the use of Invalids proceeding from India to England :—

No. 772 of 1861.
" 556 of 1865.

Scale of Medical Comforts for 100 *Invalids from India to England.*

Port Wine.	White Wine.	Brandy.	Beer.	Tea.	Sugar.	Sago.	Arrow-root.	Barley.	Oatmeal.	Preserved Meat.	Preserved Soup.	Essence of Beef.	Preserved Potatoes.	Mixed Vegetables.	Pepper.	Mustard.	Vinegar.	Soap.	Rice.	Salt.	Coffee.	Preserved Milk.	Chloride of Zinc.
Bottles.	Bottles.	Bottles.	Pints.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	¼ Pints.	lbs.	lbs.	lbs.	lbs.	Bottles.	lbs.	lbs.	lbs.	lbs.	Pints.	lbs.
90	108	12	12 doz.	36	180	54	36	120	30	100	100	400	54	54	6	12	12	52	50	25	12	100	30
			Only for use in every exceptional case.																				

N. B.—Lime-juice and sugar will also be issued daily to both Invalids and Troops in health on the following scale :—

For the first 20 days of the voyage ½ oz. of each for adult.
For the remainder of the voyage 1 ditto ditto.

No. 1137 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Punjab Frontier Force, 2nd Cavalry.

Lieutenant R. C. Clifford, of the late 38th Native Infantry, 2nd Doing Duty Officer, 18th Bengal Cavalry, to be 1st Doing Duty Officer, vice Lieutenant T. Higginson, who is allowed to continue in his present appointment as officiating Wing Officer of the 1st Punjab Infantry.

No. 1138 *of* 1865.—The under-mentioned Officers having passed the examination in drill, as provided for in the Rules and Regulations of the Calcutta Volunteer Rifle Corps, their appointments in that Corps which were provisionally made, as notified in the Government General Orders noted in the margin, are confirmed :—

No. 556, „ 752, „ 889 } of 1864.
No. 2, „ 745 } of 1865.

Calcutta Volunteer Rifle Corps.

No. 1 Company, Lieutenant C. J. Connew.
„ 3 Do., Captain F. G. Teale.
„ 5 Do., Lieutenant A. Strand.
„ 6 Do., Captain M. T. Pearson.
Lieutenant J. G. S. Mackenzie.

No. 1139 *of* 1865.—The following Regimental Order issued to the Calcutta Volunteer Rifle Corps is confirmed :—

Dated 6th December 1865.—Notifying the following appointment, subject to his passing the prescribed examination in drill :—

No. 3 *Company.*—Color Sergeant Charles James Alexander Pritchard to be Lieutenant, with effect from the 1st instant, vice Captain Teale, promoted.

No. 1140 *of* 1865.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified opposite to his name :—

	Date of Arrival at Fort William.
Lieutenant Henry Hardy Cole ...	22nd Nov. 1865.

No. 1141 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Captain Eustace Hill, of the Madras Staff Corps, District Superintendent of Police, Oude. } For six months, without pay.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

NOTIFICATION.

Military Department, Calcutta, 8th December 1865.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Officers, Non-Commissioned Officer, and Soldier on the dates specified, were received in the Military Department during the month of November 1865 :—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.
21st Hussars ..	Captain W. J. S. Richardes ...	6th May 1865...	At St. Helena
88th Foot ...	Ditto G. S. Watson ...	12th Aug. 1865...	At Galle
31st Native Infantry ...	Major S. E. B. Lees ..	19th Sep. 1865...	At Nynee Tal
Staff Corps ...	Bt. Major H. C. Cattley ...	24th Oct. 1865...	At Meean Meer
Ditto ...	Lieutenant A. M. Ommanney ...	3rd „ „ ...	At Hote-Murdan
Bengal Infantry ...	Major Genl. St. G. D. Showers, C. B.	8th „ „ ...	At Fort William
Sub. Med. Department ..	Hospital Apprentice W. Dearden ...	10th „ „ ...	At Jubbulpore
Invalid Battalion ...	Gunner H. Keough ...	18th „ „ ...	At Chunar

Military Department, Calcutta, the 8th December 1865.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of November 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
	Commissioned and Warrant Officers.						Rs. A. P.		Rs. A. P.					
1st Nov. 1865	(a) Hastings Broughton Impey	Major, Depy. Commissioner of Sumbulpore ...	70th Regt. N. I. ..	...	Unknown ...	Intestate	20 8 0	...	20 8 0					
4th " "	(b) Henry Phillpotts ...	Captain ...	Bengal Staff Corps ...	...	1st June 1865	Ditto	286 10 0	...	286 10 0					
7th " "	(c) James Henry Butler, F. R. C. S.	Depy. Inspr. Genl. of Hospls., Lahore Circle ...	.....	...	2nd June 1865	Testate	118 11 0	...	118 11 0					
11th " "	(d) James William Smith ...	Captain ...	Late 22nd Regt. N. I. ...	...	19th July 1862	Intestate	6 9 0	...	6 9 0					
18th " "	(e) William Adam Anstruther Thomson ...	Lieut. Col., Agent Governor General, Moorshedabad ...	Late Bengal Cavalry ..	...	3rd Aug. 1865	Testate	290 0 0	...	290 0 0					
21st " "	(e) Ditto ...	Ditto ...	Ditto ..	...	Ditto ...	Ditto	3 10 0	...	3 10 0					
24th " "	(f) Walter Rawlins ..	Lieutenant ...	Madras Staff Corps ..	...	15th Feb. 1865	Intestate	233 0 0	...	233 0 0					
24th " "	(g) John Nelson Thomas ...	Major and Brevet Lieut. Colonel ...	Late 39th Regt. N. I. ...	...	21st Mar. 1865	Ditto	500 0 0	...	500 0 0					
	Warrant Officers.													
13th " "	(h) William Byrns	Apothecary ...	Sub. Medical Department	...	1st Aug. 1865	Intestate	227 7 10	..	227 7 10					
21st " "	(i) John Donald Berkeley. ...	Hospital Steward ..	Sub. Medical Department	...	31st Aug. 1865	Testate	220 9 9	...	220 9 9					
	Carried over, Rs. ...	.....	.....	...	.....	...	1,907 1 7	...	1,907 1 7					

(a) Written back by debit to Central Provinces, as per authority of the Military Accountant.
(b) Widow. Mrs. Adelaide Matilda Sophia Phillpotts; children, Henry Eden and Cecil Arthur.
(c) Widow in England.
(d) Next of kin, mother, Ellen Smith, "The Grove," Windsor, England.
(e) Widow, Mrs. Isabella Eliza Anstruther Thomson, and two children.
(f) Widow, Mrs. Maria Elizabeth Rawlins, and a daughter, Elizabeth Annie Rawlins, in England.
(g) Widow, Mrs. Caroline Letitia Thomas, and six children.
(h) Widow, Mrs. Mary Byrns, at Jubbulpore.
(i) Widow, Mrs. Amelia Berkeley, at Agra.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Hodgkinson -	B. -	25th Nov. 1864	28th Nov. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Urdu on 1st April 1865. Studying for Honors in the Bengali language.
2	Gordon -	B. -	12th Nov. 1864.	17th Nov. 1864.	Passed for a Certificate of High Proficiency in Bengali on the 1st instant. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
3	Manson -	B. -	12th Nov. 1864	17th Nov. 1864	Absent on medical certificate. Passed in Urdu on 1st April last. Qualified for the public service, having passed in Bengali on 1st February last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Bengali language.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in August 1865.

PERSIAN.

Nos	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Lister -	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Meres -	B. -	29th Nov. 1864	1st Dec. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Bengali on 1st March 1865.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

URDU,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
2	Smeaton -	B. -	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
3	Gordon -	B. -	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st July last. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
4	Neill -	N. W. P.	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Urdu on the 1st instant, and for a Certificate of High Proficiency in Hindi on 1st May last. Qualified for the public service, having passed in Urdu on 1st February, and in Hindi on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honors in the Sanskrit language.

HINDI.

1	Nicholls -	N. W. P.	29th Nov. 1864	1st Dec. 1864	Passed in Urdu on 1st June 1865.

BENGALI.

1	Hodgkinson -	B. -	25th Nov. 1864	28th Nov. 1864	Passed in Bengali on 1st July last. Qualified for the public service, having passed in Urdu on 1st April last. Studying for Honors in the Bengali language.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
2	Manson -	B. -	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on the 1st instant. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, Bengali, and Sanskrit held in September 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Lister -	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Smeaton -	B. -	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
2	Gordon -	B. -	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st July last. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.

HINDI.

1	Nicholls -	N. W. P.	29th Nov. 1864	1st Dec. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Urdu on 1st June 1865.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Hodgkinson -	B. -	25th Nov. 1864	28th Nov. 1864	Passed in Bengali on 1st July last. Qualified for the public service, having passed in Urdu on 1st April last. Studying for Honors in the Bengali language.

SANSKRIT.

1	Neill -	N. W. P.	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Urdu on 1st August last, and for a Certificate of High Proficiency in Hindi on 1st May last. Qualified for the public service, having passed in Urdu on 1st February, and in Hindi on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honors in the Sanskrit language.

By Order of the Board of Examiners,

W. N. LEES,
Secy. to the Board of Examiners.

FORT WILLIAM,
The 2nd December 1865.

No. 4822.

By Order of His Excellency the Governor General,

W. E. WARD,
Offg. Under Secy. to the Govt. of India.

FORT WILLIAM, HOME DEPT.,
The 7th December 1865.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,
Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees			1,23,370
Lahore	"	"	5,91,060
Nagpore	"	"	49,650

(Sd.) H. HYDE,
Head Commissioner.

2nd December 1865.

NOTICE.

An Exhibition of Arts and Manufactures will be held at Nagpore, from the 26th of December 1865 to the 2nd of January 1866.

Prizes to the amount of Rs. 15,000 will be awarded.

For particulars, apply to the Secretary to the Central Exhibition Committee, Nagpore.

NOTICE.

The under-mentioned Government Promissory Note, belonging to the undersigned, has been destroyed by white-ants. Application is about to be made to the Loan Office for a duplicate :—

No. 7765 of the 4 per cent. loan of 1832-33, for Sicca Rupees 400.

ANN GOMES.

CALCUTTA,
The 25th November 1865.

NOTICE.

The under-mentioned five Government Promissory Notes, belonging to the undersigned, having been more or less destroyed by white-ants, application is about to be made to the Loan Office for duplicates ;—

No. 82172 of the 5 per cent. loan of 1856-57, for Co.'s Rs. 1,000.
" 26206 of the 5 " " of " for " 600.
" 3781 of the 5 " " of " for " 700.
" 60810 of the 5 " " of " for " 700.
" 983 of 1086 of the 4 per cent. loan of 1835-36, for Co.'s Rs. 500.

R. H. CUNLIFFE.

CALCUTTA,
The 25th November 1865.

NOTICE.

CALCUTTA MUNICIPALITY.

A Special General Meeting of the Justices of the Peace for the Town of Calcutta will be held at the Town Hall, at eleven o'clock A. M., on Tuesday the 12th December 1865, for the following purposes :—

FOR DISPOSAL.

1. Letter from Government of Bengal and correspondence, relating to the payment of the Calcutta Police from the Municipal Funds, with Report of the Finance Committee thereon.
2. Letter from Government of Bengal, respecting the transfer of the Town Hall to the Justices, with Report of Finance Committee thereon.
3. Letter and correspondence received from the Government of Bengal, respecting a system of sanitary supervision in the Town and Districts under the jurisdiction of the Civil Authorities, with the Report of the Conservancy Committee thereon.
4. Letter from Government of Bengal, respecting an amendment of Section X of Act VI of 1863, so as to admit of the Chairman of the Justices being appointed a Member of the Council of the Lieutenant Governor for making Laws and Regulations.

FOR INFORMATION.

1. Letter from Government of Bengal, sanctioning the Budget of Income and expenditure of the Municipality for the year 1866.
2. Letter from Government of Bengal, sanctioning the measures proposed for taking a census.

ROBT. TURNBULL,
Secy. to the Justices of the Peace.

OFFICE OF THE JUSTICES OF THE PEACE;
1, CHOWRINGHEE ROAD,
Calcutta, the 30th November 1865.

বিজ্ঞাপন।

কলিকাতার মুনিসিপল কমিটি।

পশ্চাৎ লিখিত কার্য্য নির্ব্বাহার্থে কলিকাতা নগরের শান্তিরক্ষার্থ সর্ব্ব সাধারণ জুষ্টিসদিগের বিশেষ সভা ১৮৬৫ সালের ১২ ডিসেম্বর মঙ্গলবারে বেলা ১১ ঘণ্টার সময়ে কলিকাতার টৌনহালে হইবে।

নিস্পাদনার্থ কার্য্য।

১। মুনিসিপল ফণ্ড হইতে কলিকাতার পুলিসের বেতন দেওন বিষয়ে বঙ্গদেশের গবর্ণমেণ্টের পত্র ও লিখন এবং তদুপোলক্ষে ফাইনান্স কমিটীর রিপোর্ট।

২। টৌনহাল জুষ্টিসদের হস্তে অর্পণ করণ বিষয়ে ভারতবর্ষের গবর্ণমেণ্টের পত্র তদুপোলক্ষে ফাইনান্স কমিটীর রিপোর্ট।

৩। সিবিল সম্পর্কীয় কার্য্যকারকদের আধিপত্যগত নগর ও জিলাতে স্বাস্থ্য রক্ষার্থ বিধির বিষয়ে বঙ্গদেশের গবর্ণমেণ্ট হইতে প্রাপ্ত পত্র ও লিখন পঠন ও তদুপোলক্ষে নগর পরিপাটী করণার্থ কমিটীর রিপোর্ট।

৪। জুষ্টিসদের সভাপতি আইন ও ব্যবস্থা করণার্থ শ্রীযুক্ত লেপ্টেনেণ্ট গবর্ণর সাহেবের মন্ত্রি সভার মেম্বর স্বরূপ নিযুক্ত হইতে পারেন, এতদর্থে ১৮৬৩ সালের ৬ আইনের ১০ ধারা সংশোধন করণবিষয়ে বঙ্গদেশের গবর্ণমেণ্টের পত্র॥

বিজ্ঞাপণার্থ কর্ম্ম।

১। মুনিসিপল কমিস্যনরদের ১৮৬৬ সালের আয় ব্যয়ের বজেট সম্পর্কে বঙ্গদেশের গবর্ণমেণ্টের সম্মতি জ্ঞাপক পত্র।

২। নগর বাসি লোকদের নামাদির নির্ঘণ্ট প্রস্তুত করণের প্রস্তাবিত নিয়মে বঙ্গদেশের গবর্ণমেণ্টের সম্মতি জ্ঞাপক পত্র।

আর, ডবলিউ, টর্নবুল।
শান্তিরক্ষার্থ জুষ্টিসদিগের সেক্রেটারী।

চৌরঙ্গি রাস্তার
জনৎ ভবনে শান্তিরক্ষার্থ
জুষ্টিসদিগের কার্য্যালয়।
কলিকাতা। ১৮৬৫ সাল ৩০ নবেম্বর।

NOTICE.

Notice is hereby given that, in conformity with Section XV of the Charter (Act IV of 1862), a meeting of the Proprietors of the Bank of Bengal will be held at the Bank on Monday, the 11th December, at 10 A. M., to elect two Directors in the rooms of Messrs. H. Dundas and James Rome, who go out by rotation.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL;
CALCUTTA,
22nd November 1865.

IN THE COURT FOR RELIEF OF INSOLVENT DEBTORS AT SINGAPORE.

In the matter of *Joaquim d'Almeida* and *Jose d'Almeida*, of Singapore, Merchants, carrying on business at Commercial Square in the Town and Island of Singapore, in the name and style of *Jose d'Almeida and sons*,—Insolvents.

On Monday, the 28th day of August instant, it was ordered that Wednesday, the 28th day of February next, should be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvents, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

GEO. W. LECERF,
Chief Clerk.

CHIEF CLERK'S OFFICE,
Singapore, 30th August 1865.

REWARD.

On the evening of the 11th November, a gold watch, value Rs. 225, marked Royal Exchange, James Murray, Maker, and No. 6033, was stolen from the house of Baboo Kristolall Pandey in Gora Bazar. Rs. 25 is offered for the recovery of the same. Apply to the undersigned.

C. JENNINS,
Offg. Dist. Supdt. of Police,
Moorshedabad.

The 14th November 1865.

WANTED.

A 2nd Clerk for the Gya Collectorate, on a salary of Rs. 60 per mensem. He must be acquainted with English and Oordoo, and be able to translate.

Applications to be addressed, post paid, accompanied by testimonials.

H. KEAN,
In charge.

GYA COLLECTORATE,
The 21st November 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Applications, with copies of testimonials as to character and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

FOR SALE.

A Quarter-Share in a flourishing Tea Plantation, situated in Upper Assam, comprising 8,300 acres of Forest land, and 200 acres stocked with healthy one and two year old plants. For further particulars, apply to

A. SANDERSON,
6, *Bankshall Street.*

LOST.

The undersigned hereby notifies for general information that a Government Promissory Note No. 40718 of 4 per cent. Loan of 1854-55, dated 30th June 1854, standing in her name, for Rs. 15,000, was, on the night of the 10th instant, lost on the road to Pooducottah, near Nellore, in the Madras Presidency. The community in general are hereby prohibited from receiving the same. An application for the issue of duplicate has been made to the proper Authorities.

अंबुबाई
AMBOOBOYEE.

TRICHINOPOLY,
21st January 1865.

LOST OR STOLEN.

Currency Note No. 33201, of the Calcutta Circle, for Rs. (1,000) one thousand, between Allahabad and Cawnpore. Application for payment has been made to the Commissioner, Paper Currency, Calcutta.

ENAYUT RUSSOOL,
Talookdar, Rudowlee, Oudh.

چودري عنايت رسول تعلقه دار پرگنه ردولي

ZILLAH DURRIABAD,
OUDH;
The 21st November 1865.

STOLEN OR LOST.

A Government Promissory Note, No. 43042 of 1854-55, of 4 per cent. loan (on Cawnpore Treasury), for Rs. 2,000, payment of which has been stopped, as also a few testimonials, all in a box, from Dâk Garry from Lucknow *en route* to Cawnpore, near Bunthara, on the 17th October 1865. Any person giving such information as will lead to the recovery of the Note will be handsomely rewarded by

JOYNARAIN, the youngest brother
of Moonshee Ram Narain,
Old Genl. Gunj, Cawnpore.

MOONSHEE RAM NARAIN'S HOUSE,
OLD GENL. GUNJ, CAWNPORE,
The 23rd November 1865.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XIV, corrected in the Office of the Adjutant General up to the 15th of October, is now ready. Price five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA,
6, *Bankshall Street.*

O. T. CUTTER, *Publisher.*

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—RS. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL RS. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,

Managing Director and Secretary.

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No. 34.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 9, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 1st December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

The Hon'ble Mr. Gordon took the oath of Allegiance, and the oath that he would faithfully discharge the duties of his Office.

RAILWAY ACT AMENDMENT BILL.

The Hon'ble Mr. Taylor, in moving for leave to introduce a Bill to amend Act No. XVIII of 1854, (relating to Railways in India), said that experience had shown that the Act, even as amended by the subsequent enactment No. LII of 1860, was inoperative in a certain class of cases which ought to be plainly provided for by law, both in the interest of the public and of the Railway Companies.

First of all, the preamble of the existing Act limited its application to Railways under the superintendence and control of the State. It was desirable that it should now be made applicable to all railways and tramways in India, used for the public conveyance of goods and passengers, and also to portions of lines passing through foreign territory, so far as that might appear to be expedient or necessary.

Then difficulties had been found to exist both as regarded the infliction of penalties for disturbances or breaches of the peace, or for any act tending to inconvenience the public or obstruct the Railway Officers in the performance of their duty; and also in respect of the recovery of fines and forfeitures for omissions or offences by the servants of the Companies.

Further there was nothing in the present law to prevent a Railway being used for the conveyance of passengers and goods before it had been declared by a responsible Government Officer to be in a fit state for public traffic: nor was there any provision for the punishment of omissions or offences committed in respect to accidents happening on such unfinished portions of lines as, though open for the conveyance of Railway materials, were not open to public traffic.

To provide for these and other matters a Bill was drafted about three years ago, into which such amendments of the existing law as seemed to be practically required were introduced. That Bill was referred for the opinion and suggestions of the Local Governments, from all of whom replies had now been received.

The Bill which he now asked His Excellency's permission to introduce, would be so drawn as to incorporate the provisions of the Draft Bill of 1862 with the existing Acts and with such additions and amendments as seemed necessary. It was proposed to repeal Acts XVIII of 1854 and LII of 1860 in toto, and to consolidate the law relative to Railways in India into one comprehensive enactment.

Thus the Bill would provide plain and practical rules in all matters relating to passengers and goods, for the better protection of the servants and property of the Companies, and for the greater convenience and safety of the public, than was secured under the present law.

He would only add that, looking to the continued and rapid expansion of our magnificent system of Railways in India, it seemed very desirable that the law which governed their working and their management in relation both to the public and to the Companies, should be placed as early as might be practicable on a really satisfactory footing.

The Motion was put and agreed to.

PARTNERSHIP LAW AMENDMENT BILL.

The Hon'ble Mr. Maine, in moving for leave to introduce a Bill to amend the Law of Patnership in India, said that that the Bill which he had the honour to ask leave to introduce was, with some alterations necessitated by Indian procedure, transcribed from a Statute which passed the English Parliament during the last Session. If it became law he hoped it would have the same effects as the French system of partnership *en commandite*. He had called attention at the last sittings to the subject of commanditarian partnership, not because he had a distinct proposal to offer, but because he thought opinion in England ripe for a change in the rule of liability, and because he considered that there were even more reasons for the subject to be discussed in India than called for its discussion at home. If the matter had gone further, and he had proposed that the Council should pass the only Bill which was then before the English Parliament, he should have stated that, however desirable it might be to pass the Bill as a temporary measure, there were some strong objections to it as it was framed. The Bill was well drawn in a technical point of view, but practically it adopted the whole of the French rules on the subject of commanditarian partnership; and many of these rules he considered to be greatly at variance with English commercial habits. In the first place, the necessity of publicly registering advances made upon limited liability was imposed; and although he hoped to be able to show that such advances really tended to strengthen instead of weaken the firm which received them, yet he believed that the effect of registration would be to cast discredit on the firm taking advantage of the new law, and thus the operation of the Act would be greatly narrowed. The Bill, moreover, contained the minute provisions of the French law as to the extent to which the limited partner might interfere with the business. Mr. Maine thought it would practically be found that the persons who would most justifiably engage in commanditarian transactions, namely, the non-mercantile classes and women, would, out of mere nervousness and anxiety, and without knowing what they were doing, bring themselves within the danger of the prohibitions, and thus be involved in unlimited liability. Entertaining these objections, he would probably have added that there appeared to him a much simpler way of attaining the same end. There was only one single rule of English law—and that not a venerable rule—in the way of commanditarian investments, and he would have expressed the hope that, when the Indian Law Commissioners sent out the next part of the new Civil Code, they would be found to have omitted the objectionable rule. Happily, Parliament had followed the very course which he expected the Law Commissioners to take. It had repealed the rule in question; and in this instance had not incurred the reproach so often directed against English legislation, that when the consequences of a legal principle become inconvenient, it never ventures to repeal the principle, but merely cuts off the inconveniences. He would read the first Section of the Bill—

"The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking, upon a contract in writing with such person that the lender shal receive a rate of interest varying with the profits, or shalll receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such."

The rule adverted to was of course that which the Section disaffirmed. Then followed one of those convenient Explanations, invented by Lord Macaulay and introduced into the Penal and Civil Codes—

"A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section."

Mr. Maine then continued: "It would perhaps be enough if I stopped there and asked leave to introduce the Bill merely as copied from an English Statute. In matters of mercantile law, it is obviously desirable that Indian should follow English legislation. But as it may not be clear how the objects attained by commanditarian partnership are secured by a measure like this, I will ask the Council to let me say a few words as to the probable operation of the measure.

"I will begin by stating that, in order to place the law of partnership on the reasonable footing on which it is placed by the Limited Liability Acts, it is not by any means necessary to discredit the general principle of unlimited liability between partners. Even if I thought that principle irrational—which I do not—I should never venture to interfere with it, considering the extent to which it is bound up with all English commerce. But all that is necessary is to set aside certain illogical and artificial applications of it. On what, then, does the principle of unlimited liability depend? It depends on the doctrine that partners are agents for one another with full powers. And indeed it has been laid down by the House of Lords that there is no true law of partnership in England, but that partnership is merely a department of the law of agency. Just, then, as an agent with full powers can bind his principal up to the full extent of his means, so one partner acting within the sphere of the business, can bind the others up to the full extent of their powers of payment.

"If, however, we reflect, we shall see that there are some applications of the principle of agency to partnership which break down. The principle, for example, breaks down in its application to large joint-stock associations, because the very object of forming those associations, is that they may act through an agency of a totally different descrip-

tion, as for example a Board of Directors. There is no reason, nor has there ever been any reason, why the subscribers should not be allowed by public notice to declare the extent to which they intend to limit the power of their agents and therefore their own liability. This privilege, however, of limiting their liability was conferred on them by recent Joint Stock Company Acts. But at the same time I think that Parliament in in passing those Acts, did not so much overturn or encroach upon as protect the rule of unlimited liability by forbidding a perverse and abusive application of it. It is still more in the interest of the general principle of liability that the rule at which the first Section of the Bill is aimed should be set aside. For it is not even a superficially logical consequence of the fundamental principle. The fundamental rule is that partners are agents for each other within the scope of their business. The derivative rule is that a man becomes a partner by stipulating for a share of the profits of a trader to whom he makes an advance. There is no apparent connection between the two propositions. And the real wonder is how the rule made its way into English law. It is not an old rule: it is no older than the time of Lord Mansfield; and when the case which established it is examined, it becomes at once evident that the object of the Court was to defeat the law of usury. Putting aside the case of negotiable instruments, it was at that time illegal to stipulate for more than five per cent. interest, and when a person had bargained for more than the legal rate, not only did the contract fail as regarded the excess above the legal rate, but the entire contract was considered to be tainted with usury and was wholly invalid. Of course the sound ideas which now prevail on the subject of the interest of money had not fully made their way into men's minds. But still people were to some extent alive to the fallacy underlying the usury laws, and the Courts of law exerted themselves strenuously to prevent their absurdest consequences. The readiest expedient for defeating them was to rule that the contract which was the subject of suit was not a contract of loan at all, but a contract of a wholly different description. Thus in the case before Lord Mansfield, a man had stipulated that he should be remunerated for a loan by a share in the profits of a trading firm. But it turned out on calculation that he had bargained for more than five per cent. on his advance. The legal consequence would have been that the contract was invalid. This Lord Mansfield would not allow, and, *ut res magis valeret quam periret*, ruled the contract to be one of partnership, and therefore not invalid. The rule thus established was therefore a mere legal fiction invented to serve a temporary purpose and as usual its collateral inconveniences were greater than its immediate advantage. It has very justly been remarked that, as the rule originated in the usury laws, so it was doomed when those laws were abolished. The state of the law now is that a man may stipulate for what rate of remuneration by way of interest he pleases, so long as the rate is calculated on the amount of the advance. If, therefore, a Calcutta merchant on retiring leaves a lakh of rupees in his house of business and bargains for eighty per cent. on his ten thousand pounds, the contract is perfectly legal, and he risks nothing more than the lakh of rupees. But if he leaves the same sum in the business and stipulates for eight or ten per cent. on the profits, he endangers every shilling and every acre he possesses. It is needless to say which is the fairer arrangement. One is perfectly just and the other sucks the very life-blood out of the firm. Yet it is the policy of the law to discourage the more equitable and to encourage the more inequitable arrangement. I venture to lay down broadly that no argument whatever can be directed against the proposed change of the law which will not tell with tenfold force against the law as it is.

"As to possible objections to the Bill, though they are more properly dealt with at another stage, I will notice one which is very commonly taken, because, while it is extremely obvious, the answer to it is not immediately obvious to any body but a lawyer. It may be asked, if you allow persons to advance money with limited liability upon condition of sharing the profits, what security have you that capitalists will not begin to trade through clerks and agents who are men of straw, while at the same time they will risk less than other traders? I might reply by saying that capitalists might do it now if they framed their contracts properly. The best answer, however, is that this Bill provides no more than that a stipulation for a share in the profits shall not by itself constitute the lender a partner. Such a stipulation will still remain one of the *indicia* of partnership, but it will no longer be conclusive. If there is something more, if the contract bargains for such powers of interference, or of removing the ostensible partners as show that they were intended to be merely agents, or if, without reference to the letter of the contract, such powers are shown to have in fact been exercised, in such a case there will be other ingredients present. The Courts in the exercise of their ordinary jurisdiction will no doubt apply the principle of agency and construe the lender to be the partner of the ostensible traders. And I would much rather trust the Courts to put a stop to these malpractices than introduce the minute rules of the French law which are sure to prove snares to the unwary. Meantime any merchant retiring and leaving any sum of money in his business, and merely bargaining for such a power of inspecting the books as will give him reasonable information as to the state of the firm, will be perfectly safe, and will merely risk the amount which he has deliberately staked.

"I will conclude by remarking that, even if I thought the expediency of the new law in England as doubtful, as I think it clear, there would still be special reasons for altering the rule of liability in India. In the first place I am told by a high authority that the Natives of India practise among themselves a system of commanditarian partnership, and that, for example, a capitalist in Calcutta or Delhi will advance money to a merchant in Málwá or Rájputána on condition of being remunerated by a share in the trading profits. But I hear also that the system is giving way under the influence of English law, directly in the Presidency Towns, and indirectly in the Mofussil. But it is chiefly in the interest of the European firms doing business in the Presidency Towns that I believe the new law to be desirable. I shall not be contradicted when I say that the constitution of those firms is generally as follows: There is a series of partners who come out one or two at a time. Each expects to remain a moderate time in the country, to realize a fortune, and to carry it home on retirement. If he obeyed natural motives,

the retiring partner would leave a large portion of his fortune in the business, because the interest he would receive would be much more than was obtainable in open market, and because he would be apt to have confidence in partners who would succeed him and whom he has himself chosen. But this rule of English law stands in the way, and years afterwards the indiscretion of a partner whom he has never seen may cost him the whole of his property. The direct tendency, therefore, of the existing law appears to be this. It produces withdrawals of capital on retirements of partners in a country where those retirements are extraordinarily frequent. The process is, however, insensible: the public knows nothing about it, and hence the credit and operations of the firm may remain the same as before. I know, indeed, my Hon'ble friends will doubtless tell us that the evil is much mitigated by private arrangements among the partners, under which it is agreed that retiring partners shall not withdraw more than a certain amount of capital within a certain time: and, indeed, I will add, to prevent any misconstruction of my words, that the great actual stability of the leading firms in the Presidency Towns proves that some process is going on which counteracts the tendency. Still the tendency is distinct, and we may depend that in such a case it has effect in more instances than we are aware of, and perhaps in the majority of instances. That tendency is to withdraw capital without diminishing credit, which is the most unwholesome state of things that can possibly exist in trade. This is not a speculative opinion of mine: indeed I should not venture a speculative opinion on such a point. I had lately the advantage of conversing on this subject with a gentleman who was formerly Chief Justice of the Supreme Court here, and he was convinced that certain insolvencies which were felt at the time throughout India as public calamities—insolvencies of a kind which never occur now-a-days—were due to subtractions of capital through fear of unlimited liability. I have obtained the Schedules of those insolvencies from the Insolvent Court, and so far as I can understand their story, it seems to me to bear out that theory. And with regard to the question whether advances on limited liability should be publicly registered, I must say that it struck me on reading these Schedules that it would be much fairer and juster to the public if we compelled the registration, not of advances made on limited liability, but of amounts withdrawn in consequence of unlimited liability.

"The principal recommendation of the Bill I take to be the additional stability it will give to the Presidency Town firms. But some minor advantages connected with it may be mentioned. One of these relates to all European adventure in India. The notorious difficulty of such undertakings is the difficulty of agency. It is said that plenty of energetic men come out, but I am told that they do not make good servants. Ample wages and large stipends are not enough, the stimulus of ownership and direct interest is wanted. If, then, such a person were turned into a master, through this Bill, if he became, to use the French phrase, the *gérant* of a commanditarian partnership, it is possible that his relation to his employers would be more satisfactory, and at all events his motives to good faith and exertion would be greatly increased. There is also a distinct advantage in legalizing a second form of limited liability. It may have been observed that the real secret of the enormous expansion of limited undertakings in England is that they have attracted the savings of the non-commercial and professional classes. Every lawyer and every man of business knows that those classes were formerly tied down to Government securities and land. But now the capital they save is largely embarked on limited liability, and is thus reproductively employed. There is, however, this moral drawback on the change, that investors can only now procure a security which is of a marketable value, and which fluctuates within much wider limits than consols or Government paper. It may therefore be that some persons are tempted to engage in speculation who would not otherwise have indulged in it, and who are not well fitted for it. I myself do not believe that any state of the law produced, or that any change in the law will change the spirit of speculation which lately prevailed in this country, and particularly on the other side of it. But I do think that, to some limited extent, it was stimulated and aggravated by the fact that no Native who invested on limited liability out of his hoard, nor servant of Government out of his savings, could obtain any securities which had not a highly speculative value. It is therefore some recommendation of this Bill that interests created under it will not generally be saleable. Even supposing that the alienation of such an interest should become abstractedly legal in India, the contract will in fact stipulate that it shall not be sold without the consent of the firm to which the advance is made; and thus the Bill may perhaps redress the balance between two forms of limited liability, which appears to me to have inclined too much in one direction."

The Motion was put and agreed to.

Rural Police Act Amendment Bill.

The Hon'ble Mr. Muir introduced the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere), and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that this Bill having been already published in the Gazette under the 19th of the Rules for the Conduct of Business, rendered it unnecessary to obtain leave for its introduction.

The object of the Bill might be shortly stated as follows. Last year an Act was passed which provided a fund for the maintenance of the Rural Police in the North-Western Provinces. By its second Section, proprietors are empowered to assess and collect a sum not exceeding one rupee per annum from the occupant of every house. And by Section 6, the Revenue Authorities are authorized to assess upon the proprietor for the purposes of the Act, an amount not exceeding the aggregate of the house assessments on his estate, minus ten per cent.

It is optional with the proprietor to make this assessment or not as he chooses, just as it is optional with him to assess rent on the fields of his estate. He may neglect to make any assessment, or he may make it at an inadequate rate, or he may choose to maintain any other system of realizing Chowkeedaree dues customary in his village, with the consent of the inhabitants. But in any of these cases, it was the intention of the proposers of Act II of 1865, that the proprietor should still be liable to Government in the same sum as that

to which he would have been liable if he had made a full and adequate assessment.

The Act, however, as finally passed, provided for an assessment on the proprietor, only at the amount of house assessments actually concluded under the law; and did not provide for the case of neglect to assess or of inadequate assessment. The object of the present Bill was to supply the omission. It provided that in case a proprietor failed to make a full assessment under Act II of 1865, he might nevertheless be called upon to pay the same amount as that which he would have been rated at, if he had made a full and proper assessment under the Act.

The Bill was approved by the Government in the North-Western Provinces and the Allahabad Board of Revenue. But the Hon'ble Mr. Drummond was desirous that the power which it was contemplated to confer upon Collectors should be exercised only with the special sanction of the Government. This suggestion would be duly considered in Committee.

The Motion was put and agreed to.

PRIVATE WATER-COURSES' BILL.

The Hon'ble Mr. Muir also introduced the Bill to provide for the appropriation of land required for private water-courses from Canals, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that this Bill also had been already published in accordance with Section 19 of the Council's Rules, and might be now at once referred under the motion to a Select Committee.

It might be necessary briefly to explain to what class of water-course the Bill applied.

From the main body of a Canal, water is taken off for irrigation by *Rajbuhas*, or subsidiary channels, which cover the country like a net-work. These form the arterial communications from which the water is taken off for the fields. This is done by a direct opening where the fields lie close to the Canal: but if the tract to be watered is not immediately adjoining the Canal, then the water is conveyed thither by minor or village water-courses which sometimes extend to a considerable distance. These water-courses may either form a part of the Canal system for distributing the water, and as such be constructed at the public expense, or they may be private or village channels. In the latter case the Canal Officer would say to the applicant for water, you may have it, but you must make your own cut to carry the water to your field. In the first case the channel is the property of Government: in the second of the party who constructs it.

Now the existing law provided only for the first class of water-courses. In the second, that is, where the land is proposed to be occupied, not at the requisition and at the expense of the Irrigation Department, but at that of the applicant for water, the present law would clearly not be applicable.

In this latter case, the question would arise whether a person claiming to construct a private channel had the right of taking it through the limits of an intervening estate, the owner of which objected. This again depended on the consideration whether the benefit to the estate of the applicant so greatly outweighed the injury to the intervening estate as to justify the intrusion. If only a few fields were to be irrigated, and the damage caused by the cut would be serious, the applicant would clearly not be justified in demanding the right of water-way. If, on the contrary, a large tract—for example, of barren land—would be rendered fruitful by the water for which a channel was sought, and the loss or inconvenience to the intervening estate were comparatively insignificant, then the applicant would have an equitable right to demand way for the water on payment of full compensation for its appropriation; and the State also, in reference to its land-revenue, might be interested in seeing the right enforced.

It was, however, important that all such proceedings should be controlled by competent authority, which would restrict the appropriation of land within the narrowest limits possible. For although the applicant might have an equitable right to water-way through his neighbour's estate, he was bound to exercise that right in such a way as would inflict the least possible injury and inconvenience.

The present Bill aimed at accomplishing this object. No appropriation of land under the circumstances contemplated would take place until an Engineer of the Irrigation Department should have declared that the water-course was necessary, and certified that the line involved no avoidable injury to other interests. When this declaration had been made, the Officers of Government might take measures for the occupation of the land, and the payment of compensation to the proprietor, in the same manner, and under the same checks precisely, as if the land had been required for a public purpose.

The Bill also authorized the Local Government, with the sanction of the Governor-General in Council, to make rules for the disposal of certain classes of claims likely to grow out of appropriations under this procedure. They were described generally in Section 7, and involved such questions as these:—the title of the original proprietor to re-enter on possession in case the channel be discontinued, which in the case of such minor cuts was a possible contingency; the liability of the land occupied for rent and Land Revenue; the mode in which the rights of temporary holders in the intervening estate should be settled; the manner in which joint rights in a channel might be adjusted, and how such rights might be acquired or extinguished. Many of these questions affecting the right of water-way were entirely new, at least in this part of the country, and the course to be pursued in respect of them must be to a great degree experimental and tentative. It would be impossible to anticipate and satisfactorily to provide in the present Bill for these contingencies. It had therefore been thought better to leave, at least for the present, the principles and rules under which they should be dealt with to be from time to time framed by the Local Government under sanction of the Supreme Government.

Since the Bill was published, Mr. Muir had received some valuable suggestions for its improvement from the Allahabad Board of Revenue, and several Collectors in the North-Western Provinces. They related chiefly to the point that the decision as to the necessity for a channel should not be left solely to the Canal Officer, but that the Revenue Authorities should also have a voice in the matter. This suggestion would be taken up in Committee. While the Revenue Authorities were of course not competent to give an opinion on any

professional question involved in the claim, they would be better able to judge on other points, such as the value of the increased productiveness expected from the new water-course, the amount of injury to intervening property, the nature of proprietary claims connected with the application, &c.

The necessity for the Bill had arisen primarily in the North-Western Provinces, and the Local Government and Sudder Board of Revenue approved the proposed measure. But it would probably be found equally applicable elsewhere, as was evident from the fact that His Honour the Lieutenant-Governor had recommended that the Bill be extended to Bengal, and be made applicable to private as well as Government Canals.

This recommendation would be considered in Committee. Mr. Muir could see no objection at present to the proposed extension.

The Motion was put and agreed to.

Madras Irrigation Company's Bill.

The Hon'ble Mr. Taylor introduced the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of irrigation, and moved that it be referred to a Select Committee, with instructions to report in three weeks. He said that this Bill, as the Council were aware, had already been published in the Gazette, together with the Statement of Objects and Reasons. He had very little to add in explanation of the scope and object of the measure.

It seemed that the inhabitants of the town of Kurnool were desirous of purchasing from the Madras Irrigation and Canal Company a supply of water for the use of the town and for municipal purposes generally; it had therefore become necessary to define, by law, the maximum rate which that Company might charge for water supplied from their works for such purposes—that was, for purposes other than irrigation.

After some discussion between the Company's representative and the Government Consulting Engineer, the Madras Government considered that the rate of one rupee per 400 cubic yards was a fair and proper charge for water supplied for general purposes, and this rate had been accepted on behalf of the Company by their Agent and Manager in this country. It was of course distinctly understood that this decision had no relation whatever to the price of water for irrigation, which was regulated by other and special considerations.

The question having been thus settled, the Madras Government directed that steps should be taken for passing an Act in the local Legislature to define and sanction the maximum rate agreed upon, namely, one rupee for 400 cubic yards; but upon the discussion which ensued on the motion for the introduction of the measure into the local Council, it appeared that the Madras Government could not deal with the matter, inasmuch as the "Act of Parliament of the Indian Legislature" contemplated in the 27th Clause of the contract made by the Secretary of State for India with the Madras Irrigation Company, must be taken to mean an Act passed by the Council of the Viceroy and Governor-General of India.

This explained why the Bill was now introduced.

The Motion was put and agreed to.

Re-Marriage of Native Converts' Bill.

The Hon'ble Mr. Maine moved that the Committee on the Bill to legalize, under certain circumstances, the Re-marriage of Native Converts to Christianity, be re-constituted. He said that the motion was only formal. Owing to the departure of Mr. Harington and Mr. Cust, the Bill was now before a Committee much too small to examine with authority the mass of papers which were now before it, papers which he (Mr. Maine) was glad to say, were almost all strongly in favour of the measure.

The Hon'ble Colonel Durand said that he had received from the Clergy of the Diocese of Calcutta a memorial respecting the Bill, which he now asked permission to lay before the Council. They had requested that it should be laid before the Council at its first meeting, and he wished them to know that this had been done.

The Hon'ble Mr. Maine said that the regular course was to send the memorial to the Home Office, by which it would be transmitted to the Legislative Department. But of course the memorial could be immediately printed, if not printed already.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the Territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere)—The Hon'ble Messrs. Maine and Taylor, the Hon'ble the Mahárájá of Vizianagram and the mover.

On the Bill to provide for the appropriation of land required for private water-courses from canals—His Honour the Lieutenant-Governor, the Hon'ble Messrs. Maine and Taylor, the Hon'ble the Mahárájá of Vizianagram and the mover.

On the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation—The Hon'ble Messrs. Maine, Muir, Cowie and the mover.

On the Bill to legalize, under certain circumstances, the Re-marriage of Native Converts to Christianity—His Excellency the President, His Honour the Lieutenant-Governor, and the Hon'ble Messrs. Taylor, Muir, Gordon and the mover.

The Council adjourned till the 8th December.

Whitley Stokes,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Calcutta,
The 1st December 1865.

PUBLIC WORKS DEPARTMENT.

Works on the Delhi Railway.

Memorandum from LIEUT. COLONEL G. SIM, R. E., Under Secy. to Govt. of Punjab, in the P. W. Dept., Railway Branch, to Secy. to Govt. of India, P. W. Dept., dated 30th October 1865.

The undersigned is directed to transmit, for the information of the Supreme Government, copies of the correspondence as marginally noted, relative to the order in which the Contractors, Messrs. Brassey and Co., propose to execute the works, and their arrangements generally for conducting and carrying out their Contract.

Consulting Engineer to Government, Punjab, No. 178 D, dated 22nd July 1865, to Acting Agent.

Acting Agent to Consulting Engineer, No. 404, dated 24th September 1865, with enclosures from the Chief Engineer and Messrs. Brassey and Co., the Contractors for Delhi Railway.

2. Their reply explaining those arrangements, and the various periods within the limit of their Contract-time, at which they trust to complete different sections of the line sufficient for opening, if deemed necessary, will, in the opinion of the Hon'ble the Lieutenant Governor, be deemed most satisfactory by the Supreme Government, and their reply to the enquiries of the Consulting Engineer most business-like.

From LIEUT. COLONEL G. SIM, R. E., Consg. Engr. to Govt. of Punjab, Railway Dept., to Acting Agent, Delhi Railway, dated 22nd July 1865.

Copies of the Deed of Contract for the construction of the Delhi Railway having been recently received in this Department of the Punjab Government from the Home Government, I have the honour to request that you will be so good as to favour me with information on the following points:—

1st.—Whether the Contractors have had delivered to them by the Company possession of all the lands, both permanent and temporarily, that will be required for, and during the construction of, the whole line between Umritsur and Gazeeabad, as directed in Clause 6, page 3 of the Contract Deed.

2nd.—Whether, as directed in the Clause at page 13 of "Contractors to state proposed arrangements for carrying out Contract," Messrs. Brassey and Co. have as yet explained to the satisfaction of the Chief Engineer the order in which they propose to execute the works, and their general arrangements for conducting their Contract.

2. As regards the first enquiry, should any land be required by them which has not as yet been made over to the Company's Engineers by the local Civil Officers, steps shall be at once taken to expedite its transfer on your favouring me with the needful particulars regarding the same.

3. With respect to the second enquiry, it will be obvious to you, now that matters are concluded, and the works of this Contract commencing, that the Local Government are anxious to be certified as to the order in which the works of the line, wholly or in sections, are to be carried out, and also as to the sections which the Contractors will, in all probability, first endeavour to bring to completion.

From G. FINCH, ESQ., Acting Agent, Delhi Railway, to Cons. Engr. to Govt. of Punjab, Railway Dept., dated 24th September 1865.

As requested in your No. 178 D of 22nd July, Messrs. Brassey and Co. were called upon, through the Chief Engineer, to describe the arrangements by which they proposed carrying out the construction of this line.

2. I have the honour to forward you copy of their reply, as well as of the Chief Engineer's No. 142 of 19th instant.

3. The Local Government will, I trust, consider the plan of operation so fully and clearly described by Messrs. Brassey and Co. to be satisfactory.

4. I am induced, however, to remark, with reference to that portion of Messrs. Brassey, Wythes, and Henfrey's communication, in which is estimated the probable periods at which the various sections of the line will be completed, that it is not compulsory upon the Company to open any one section of the line, although such section may, in every respect, be ready for public traffic.

5. For, by para. 3 of the Contract, Messrs. Brassey and Co. are to keep the works in good and efficient working order until the whole of the works shall be certified as complete, and from the date of such certificate, the year of maintenance shall be reckoned; the opening for public traffic, before that date, of any completed section, being at the option of the Railway Company.

6. It would be premature to consider now whether any, and if so, which section of this Railway should be opened when complete; I have simply thought it necessary that the above condition of the Contract should not, on the present occasion, be lost sight of.

7. The attention of the Board will be called by the next Mail to the Chief Engineer's observation on the subject of the provision of rolling stock.

From J. HARRISON, ESQ., Chief Engr. to Acting Agent, Delhi Railway, dated 19th September 1865.

With reference to the Consulting Engineer's No. 178 D of July 22nd, received with your No. 279 of July 24th, relative to the land for the Delhi Railway and the Contractors' arrangements for carrying out the work, I have the honour to state that, although the land has not been formally made over in several places by the local authorities, no opposition has been made to the Contractors' commencing operations, the only portion of the main line, for which land-plans and schedules have yet to be submitted, is for the deviation at Phillour, and these I shortly expect to receive. Of course land for temporary purposes has yet to be taken up, and plans and schedules for the same are being submitted as the requirements are ascertained.

2. The attached copy of Messrs. Brassey, Wythes, and Henfrey's letter to me as to the proposed arrangements for carrying out the work, will, I trust, be found satisfactory.

3. Should the girders and cylinders for the Ganges Canal Bridge arrive safe, there is every prospect of the section between Ghazeeabad and Meerut being ready for traffic by the end of 1866; it therefore becomes very important that an early supply of rolling-stock be provided either by the Contractors, or the Company, as the Board of Directors may decide.

4. I recommend six locomotives and the following stock complete, or iron-work for the same being sent out viâ Calcutta:—3 first, 3 composite, 3 second, and 40 third class carriages, 6 break-vans 20 high-sided trucks, and 2 horse-box, and carriage trucks. If the Board of Directors decide on sending out the stock complete from England, great care should be taken that all timber is well seasoned; the station machinery will receive my early attention.

From Messrs. Brassey and Co., Contractors, to Chief Engr., Delhi Railway, dated 7th August 1865.

We have the honour to acknowledge the receipt of your No. 32 of the 26th ultimo, and, in compliance with your request, beg to subjoin the following statement of our proposed arrangements for carrying on our Contract for the construction of the Delhi Railway:—

1st.—We propose to proceed with the earth-work simultaneously over the whole line (with the exception of the portion between the 42nd and 63rd miles) in order to complete it, and thus render the labour of the country available for collecting and burning ballast for foundation works of large bridges, and for various minor operations connected with the other branches of the Contract; we shall not commence the earth-work on the above-named length, between the 42nd and 63rd miles, until next year, as we have ample time to execute it before the two large bridges over the Sutlej and Beas can be completed, and we are anxious to employ all the available labour of the district on the heavy embankments in the valleys of those two rivers.

2nd.—We propose to proceed as actively as possible with brick-making over the whole line, so as to be able to commence the brick-work of the bridges, culverts, and stations as soon as possible.

3rd.—We propose to commence sinking the piers of the bridges over the Beas, Sutlej, Guggur, Markunda, and Jumna Rivers, as soon as the iron curbs arrive from England, which will probably be in the month of December next. In the mean time we propose to begin sinking the small wells for the abutments immediately after the rains. We hope to receive the iron cylinders for the bridge over the Ganges Canal at 137 miles 68 chains, and shall lose no time in getting them into place.

4th.—We propose to supply ourselves with sleepers as rapidly as possible, and from the information we have obtained with regard to the sources of supply, and taking into account the quantity already provided by the Company, and those we have purchased within the last few months, we believe that we may safely rely on obtaining the necessary quantity within three years from the present date. This will leave us sufficient time for the preserving process and laying in the road.

5th.—We propose to fix the fencing so soon as the embankments are trimmed, and shall endeavour in all cases to have it complete simultaneously with the laying of the permanent way.

6th.—We propose to erect the Electric Telegraph at the same time as the fencing.

7th.—We propose to commence building the stations along the whole line so soon as the drawings have been sanctioned, and we have obtained a sufficient quantity of bricks.

8th.—The permanent-way, bridge-work, fencing, and other materials to be sent out from England for the purposes of this Contract, will be shipped to Kurrachee for the requirement of the portion of the line between Umritsur and Umballah, and to Calcutta for the remaining portion between Umballah and Ghazeeabad. We have made arrangements with a gentleman already favourably known to the Company, Mr. Coates, of Ferozepoor, for the conveyance of all the materials required for the first-named portion of the line, and have entered into an agreement with the East Indian Railway Company for the transport of the remaining portion from Calcutta to Ghazeeabad.

We are fully aware of the difficulties inherent to this portion of the Contract, and shall use every exertion to avoid delays in the progress of the works from deficient supplies of materials. By our latest advices, 1,244 tons of rails had been shipped to Kurrachee, and 5,100 tons to Calcutta, together with 150 miles of fencing, and these will be transported to where they are required on the line, with due despatch. A larger quantity of materials has been forwarded to Calcutta than to Kurrachee, with a view to enable us to complete the line from Ghazeeabad to Meerut at an early date.

9th.—With regard to the order in which various sections of the line may be completed without absolutely binding ourselves to terms of completion not required by the Contract, we think that we may safely promise that the following propositions shall be worked up to:—

A.—From Umritsur to the River Beas the permanent-way to be laid and fit for the passage of trains by December 1866.

B.—From the River Beas to Loodianah, which includes the bridges over the Rivers Beas and Sutlej, we cannot form a correct judgment of the time of completion until we commence and ascertain the rate of progress in sinking the piers. At present we cannot safely name an earlier date than January 1st, 1870, which would be five months in advance of our Contract term.

We shall, however, use every exertion to shorten this time, but the great difficulty of getting the bridge materials up from Kurrachee must not be lost sight of.

C.—From Loodianah to Umballah includes the bridge over the Guggur, and a great number of minor works which are required for the drainage of the country between the line and the hills. They are chiefly girder bridges, and the long transport from Kurrachee may possibly prove a source of delay. We calculate, however, on our finishing this section by the 1st May 1869, at which date we believe the trains might be run from Ghazeeabad to Loodianah.

D.—On the section from Umballah to Sharunpoor, which comprises the crossing of the Rivers Tangri, Markunda, and Jumna, we shall endeavour to have the line fit for traffic on the 1st May 1869.

E.—From Sharunpoor to Mozuffernuggur, including the bridge over the River Hindun, we calculate on finishing by May 1st, 1868.

F.—From Mozuffernuggur to Meerut, we propose to complete by May 1st, 1867, in time for the summer traffic to the hills.

G.—From Meerut to Ghazeeabad, we believe that we may safely promise that the line shall be ready for traffic in November 1866.

10th.—We presume that we should be carrying out the wishes of the Government and Company in pressing forward the works to completion as rapidly as possible, and we would beg respectfully to direct their attention to the necessity for coming to a speedy decision with regard to the supply of rolling-stock which, according to the Contract, may be provided by the Company or ourselves at the option of the Directors. The same necessity applies to the Station machinery, the orders for which it is desirable to place as early as possible in the hands of the manufacturers to ensure careful workmanship.

In conclusion, we beg to assure you that every effort shall be made by us to bring the works to a speedy and successful completion, but we must not be unmindful of the many causes of delay which may operate to retard us; amongst these may be mentioned the difficulties of getting materials from the manufacturers in England, the chances of loss in transport by sea and inland rivers, and above all, the accidents which may occur from unusual floods in the great rivers which we have to cross, and whose beds have to be narrowed, for the first time, to the reasonable limits of a bridge.

With the aid of a competent staff, we feel assured of being able to cope successfully with any ordinary difficulty, and trust that we may rely upon your support and assistance to enable us in any event to carry out the present programme for the completion of the line.

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No. 50.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 16, 1865.

Home Department.

LEGISLATIVE.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th December 1865 and was referred to a Select Committee with instructions to make their report thereon in six weeks :—

No. 23 of 1865.

A Bill to amend the Law of Partnership in India.

Preamble.

Whereas it is expedient to amend the Law relating to Partnership; It is enacted as follows :—

Lender not a partner by advancing money for share of profits.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

Remuneration of agents, &c., by profits not to make them partners.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Certain annuitants not to be deemed partners.

3. No person being the widow or child of the deceased partner of a trader, and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader.

Receipt of profits, &c., not to make the seller a partner.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Interpretation of "person."

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

STATEMENT OF OBJECTS AND REASONS.

This Bill is, with one addition and one omission, transcribed from the English Statute 27 and 28 Vic., cap. 86, which, by simply abolishing an objectionable legal principle, known as the rule in *Waugh* v. *Carver*, is expected to produce the same effects as the French system of partnership *en commandite*.

Apart from the obvious expediency of Indian following English legislation in mercantile matters, the abolition of the rule in question is desirable for various reasons. The rule—that he who participates in the profits of a partnership shall, by operation of law, be made liable to its losses—is a mere *obiter dictum* of Chief Justice Eyre's, and is founded by him on Lord Mansfield's irrelevant decision in *Grace* v. *Smith*. In that case the share of the profits stipulated for by the lender, would have amounted to more than the legal rate of

interest, and the fiction of a constructive partnership was invented by Lord Mansfield as the only means of upholding a contract which, if regarded as one of loan, would have been void as contravening the usury laws. These laws having now been abolished, the fiction which originated in them need no longer be maintained. Next, the abolition of the rule will give additional stability to mercantile firms, by doing away with the risk which at present would be incurred by retiring partners who should leave their shares in the business, stipulating for remuneration out of the profits. Thirdly, the Bill, if it become law, will promote those beneficial arrangements between employer and employed, based on the principle of the latter being remunerated by a portion of the profits of the business. Fourthly, interests created under the proposed Act will not generally be saleable, and the non-commercial classes will therefore be able to procure investments which, though more remunerative than Government Paper or mortgages, have not the highly speculative value of shares in ordinary limited liability undertakings. Lastly, the change proposed would in one important respect bring our mercantile law into harmony with that of the Natives of India, who are well known to practise among themselves a system of commanditarian partnership.

The addition above referred to is that of an explanation to the effect that a retiring partner leaving in the business the value of his share shall be construed to make a loan within the meaning of the 1st section. The omission above referred to is that of the 5th section of the English Statute, which provides that, in case of the borrower's insolvency, the commanditarian lender shall not be entitled to prove in competition with the other creditors. This provision appears to be at variance with the spirit of the rest of the enactment; and there would, moreover, be practical difficulties in working it in the Mofussil, where no system of insolvency has yet been established.

H. S. MAINE.

The 5th December 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

HOME DEPARTMENT.

No. 4904.

Fort William, the 9th December 1865.

NOTIFICATIONS.

Appointment.—Mr. B. Ffinch, Assistant Superintendent in the Telegraph Department, is appointed as Superintendent, with effect from the 18th of July.

No. 4914.

The Reverend Leopold Poynder, Chaplain of Ferozepore, has obtained two years' furlough to Europe, with effect from the date on which he may avail himself of the same.

No. 4974.

The following translation of a Notification of the Netherlands Government in Batavia is published for general information :—

Notice.—The Directors of the State and Crown Domains herewith notifies that, on the Pier at Muntok (Island of Banca), a white dioptric harbour light of the 6th class has been placed at a height of 9 Netherlands ells above high water mark. The light is visible from the deck of an ordinary vessel at a distance of two German geographical miles.

(Sd.) C. CARTENS.

BATAVIA,
The 6th October 1865.

No. 4988.

The 11th December 1865.

The services of the Reverend D. Fynes-Clinton, Chaplain of Seetapore, are placed at the disposal of the Government of the North-Western Provinces.

No. 4937.

The Reverend Joseph Spear, B. A., has been appointed by the Right Hon'ble the Secretary of State for India to be a Junior Chaplain on the Bengal Establishment.

The appointment will take effect from the 5th instant.

No. 4975.

The 12th December 1865.

Lukmee Chund, Tehseeldar of Chindwarra, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV of 1861, to be exercised within the limits of the Chindwarra Tehseelee.

No. 4977.

The under-mentioned gentlemen, appointed by the Secretary of State for India members of Her Majesty's Civil Service on the Bengal Establishment, reported, on the 5th instant, their arrival at the Sandheads on the 3rd idem, viz :—

Messrs. Henry St. George Tucker, Herbert Blakey Finlay, Thomas Ormerod Wilkinson, and William Thomas Martin.

No. 5010.

The 13th December 1865.

The Reverend Arthur Stone, a Junior Chaplain on the Bengal Establishment, reported his return from leave on the 5th instant, per Steam Ship "Golconda," which reached the Sandheads on the morning of the 3rd instant.

Mr. Stone's services are placed at the disposal of the Government of Bengal.

No. 5012.

Lieutenant W. Hamilton, Assistant Commissioner of the 3rd Grade, Seetapore, in Oudh, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 5003.

The Governor General in Council is pleased to attach Messrs. G. Smeaton and H. W. Gordon, of the Civil Service, reported qualified for the public service, to the Bengal Division of the Presidency of Fort William.

No. 5007.

Messrs. G. Smeaton and H. W. Gordon, Junior Civil Servants, having obtained certificates of High Proficiency in Oordoo, have each been presented with the authorized donation of Rs. 800, and Mr. W. E. Purser, a Junior Civil Servant, has been awarded a Gold Medal of Merit for "Marked Proficiency" in the same language.

No. 5001.

The Governor General in Council is pleased to permit Mr. E. F. Lautour to resign the Civil Service from the 8th of April last.

No. 5024.

The Hon'ble Louis S. Jackson reported his return from furlough, and resumed his seat as a Puisne Judge of the High Court at Calcutta on the 5th instant.

No. 5030.

Doctor H. J. Beach, Civil Assistant Surgeon of Chanda, is permitted to resign his appointment, and his services are replaced at the disposal of the Government of Madras.

No. 5040.

The 14th December 1865.

Notification No. 4844, dated the 6th instant, is hereby cancelled, and the Reverend W. G. Cowie, Junior Chaplain, is permitted to proceed to England on medical certificate for eighteen months, with effect from the date on which he may avail himself of the same.

No. 5067.

The 15th December 1865.

Mr. Thomas Francis Harkness, appointed by the Secretary of State for India a member of Her Majesty's Civil Service on the Bengal Establishment, reported, on the 5th instant, his arrival at the Sandheads on the 2nd idem.

No. 5068.

Mr. H. T. Prinsep, Registrar of the High Court, has obtained leave of absence for two months under Section 6 of the Covenanted Absentee Rules, with effect from the date on which he may avail himself of the same.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 367.

Fort William, the 12th December 1865.

Captain C. H. Clay, 2nd in Command of the Deolee Irregular Force, has obtained privilege leave of absence for 60 days from the 26th ultimo.

No. 369.

Havildar Dalea, of the Erinpoora Irregular Force, is promoted to the rank of Jemadar, vice Jewah, deceased, with effect from the 24th June 1865.

GENERAL.

No. 2360.

Mr. C. D. Clifford Lloyd is appointed to be an additional Assistant Commissioner of the 3rd Grade in British Burmah, with effect from the 23rd October 1865.

No. 2362.

Privilege leave of absence from the 2nd February to the 29th April 1865 is granted to Ashfak Hossein, Extra Assistant Commissioner of Hoshungabad, in the Central Provinces, in substitution of the five months' leave on private affairs granted to him in G. O. No. 784, dated 5th April 1865.

No. 2364.

Mr. T. H. Kavanagh, v. c., Assistant Commissioner of Fyzabad, has obtained privilege leave of absence for one month, from the 15th instant, or from the date on which he may avail himself of it.

No. 2378.

The 15th December 1865.

Mr. A. Shakespear, Agent to the Governor General at Benares, resumed charge of his office from Mr. G. P. Money on the 8th instant.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

The following Notification is published in substitution of that bearing the same No. and date which appeared in the last Gazette :—

No. 3338.

Fort William, the 7th December 1865.

NOTIFICATIONS.

It is notified for general information that copies of Baptismal and Burial Certificates and copies of Marriage Certificates (other than copies furnished under Act V of 1852, or Act V of 1865, or by the Bishop's Ecclesiastical Registrar), do not come within the existing Stamp Act, even if furnished from the records of a Church built or supported by Government.

No. 3446.

The 14th December 1865.

Mr. E. F. Harrison received charge of the Office of Comptroller General of Accounts from Mr. R. P. Harrison on the afternoon of the 8th instant.

No. 3524.

The 15th December 1865.

Read Extract, Military Department, No. 844, dated 20th November 1865, forwarding for consideration a letter, with enclosures, from the Controller General of Military Expenditure, regarding a claim to passage money from Kurrachee to Bombay, preferred by Captain F. T. Ross, of the Staff Corps, a Deputy Collector in Scinde.

RESOLUTION.—The Governor General in Council is pleased to lay down the following rule in regard to the provision of free passage for Public Officers in the Civil Department.

All Officers in Civil employ, whether Civil or Military, Covenanted or Uncovenanted, will be allowed a free passage when proceeding on duty by sea, on the conditions on which they would draw travelling allowance if proceeding on duty by land. Military Officers in Civil employ will, in addition, be allowed a free passage when proceeding from port to port in India on medical certificate.

The cost of the free passage, both for cabin and table accommodation, will be borne by Government, except that Officers whose salaries exceed Rs. 600 a month, must suffer a deduction of Rs. 8 per diem (i. e., the full rate of table money on Government sea-going vessels), and those on Rs. 600 or less of 4 per diem on account of their table for the number of days occupied in their passage on a Government vessel or a private vessel.

ORDER.—Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that copies of it be forwarded to the Military Department, with the original enclosures of the Extract from that Department above referred to, and to the

Accountants General Bengal, Madras, Bombay, N. W. Provinces, Punjab, and British Burmah.

Deputy Accountants General, Central Provinces and Hyderabad.

Auditor and Accountant, Mysore.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 9th December 1865.

No. 1142 *of* 1865.—With reference to the G. G. Orders noted in the margin, it is hereby notified, under the authority of the Right Hon'ble the Secretary of State for India, that the rules laid down for the grant of furlough to Europe to European Non-Commissioned Officers of Her Majesty's Indian Army, who may be fit for duty with Invalids or time-expired men on the passage home, are equally applicable to deserving men of that class who may not be declared fit for such duty, but who may be otherwise eligible for the indulgence, and the state of whose health absolutely requires a change of climate.

No. 1636, dated 19th December 1859.
No. 540, dated 22nd May 1860.

The 12th December 1865.

No. 1143 *of* 1865.—The services of Lieutenant F. H. Alexander, of the late 43rd Native Infantry, Officiating 1st Doing-duty Officer, 22nd (Punjab) Regiment Native Infantry, are placed at the disposal of the Government of the Punjab.

No. 1144 *of* 1865.—The under-mentioned Officer was permitted to proceed to Europe on furlough on private affairs:—

Captain Robert Cadell, of the Bengal Staff Corps, District Superintendent of Police, Futtehghur.	For 6 months, from the 5th May 1865, the date of his departure on the Steam Ship "Erymanthus."

No. 1145 *of* 1865.—The under-mentioned Officers have reported their return from England:—

	Date of arrival at Fort William.
Major General T. F. Flemyng, Bengal Infantry.	4th Dec. 1865.
Major H. L. Pester, late 63rd Native Infantry, 2nd in Command and Wing Officer, 9th Native Infantry.	
Captain (Brevet Major) J. B. Thelwall, D. B., Staff Corps, Commandant, 21st (Punjab) Regiment Native Infantry.	
Captain (Brevet Major) C. Need, late 6th European Regiment.	
Lieutenant F. D. Harington, late 12th Native Infantry, Assistant Commissioner, Sealkote.	
Lieutenant G. W. Holdsworth, late 3rd European Regiment.	
Lieutenant T. H. T. Drake, General List, Infantry.	
Surgeon G. Barnard, Medical Department.	
Assistant Surgeon J. J. McDermott, M. D., Medical Department.	
Captain A. Shepherd, late 6th European Light Cavalry.	

No. 1146 *of* 1865.—Surgeon George Barnard, of the Medical Department, is allowed an extension of leave from the 10th November to the 4th December 1865, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1147 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

2nd Captain Edward Wood Humphry, of the Royal Engineers.	For 20 months, under the old Regulations.

No. 1148 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Assistant Surgeon George Nicholas Cheke, of the Medical Department, Residency Surgeon at Nepaul.	For 2 years, under the new Regulations.

The 13th December 1865.

No. 1149 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Captain A. Callander, of the Bengal Staff Corps, Brigade Major, Mooltan, on leave for twenty months, Government General Order No. 1027 of the 10th November 1865.	"Meinam," 4th Dec. 1865.
Captain P. Wheeler, of the late 15th Native Infantry, on leave to sea for 6 months, Government General Order No. 1121 of the 4th December 1865.	"Golden Fleece," 7th Dec. 1865.
Captain E. Hill, of the Madras Staff Corps, District Superintendent of Police, Oudh, on leave to Europe on urgent private affairs for six months, without pay, Government General Order No. 1141 of the 8th December 1865.	"Simla," 10th Dec. 1865.

No. 1150 *of* 1865.—The services of Lieutenant George Campbell Napier, of the General List, Infantry, are placed at the disposal of the Government of Bombay.

No. 1151 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
42nd Regt. (Assam) Light Infantry.	Jemadar Chamoo Goorung ...	Subadar ...	4th Aug. 1865	Ruggoonath Sing, deceased.
	Havildar Singbeer Thappa ...	Jemadar ...		Chamoo Goorung, promoted.
3rd Goorkha Regt.	Havildar Subbul Sing ...	Ditto ...	11th Oct. „	Kullian Sing, deceased.

No. 1152 *of* 1865.—His Excellency the Governor General in Council is pleased to appoint Major G. B. Malleson, of the Bengal Staff Corps, to be a member of the Commission convened under Government General Order No. 1084 of the 22nd ultimo, to consider and report upon certain points connected with the Indian Medical Service.

The 14th November 1865.

No. 1153 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Surgeon Major H. B. Buckle, C. B., Officiating Principal Medical Store-keeper to Government, is permanently appointed to that situation, vice Surgeon Major Mactier, M. D., who vacates his appointment, having exceeded the prescribed period of sick leave to Europe.

No. 1154 *of* 1865.—The services of Surgeon J. Williams, F. R. C. S., in Medical Charge of the 13th (The Shekhawattee) Regiment Native Infantry, are placed at the disposal of the Government of the Punjab.

No. 1155 *of* 1865.—Her Majesty has been pleased to appoint the under-mentioned gentleman to be an Assistant Surgeon in Her Majesty's Indian Military Forces at the Presidency of Bengal. He is accordingly admitted into the service.

MEDICAL DEPARTMENT.

	Date of arrival at Fort William.
Mr. Lionel Dixon Spencer, M. D. ...	9th Nov. 1865.

The 15th December 1865.

No. 1156 *of* 1865.—*Erratum.*—In Government General Order No. 848, dated the 8th September 1865, notifying promotions in, and admission to, the "Order of British India" of certain Native Officers, for "Subadar Major Gokul Sing, 'Bahadoor,' of the 13th (The Shekhawattee) Regiment Native Infantry," read Subadar Major Gokul Sing "Bahadoor" *of the 4th Infantry Punjab Frontier Force.* Order Books to be corrected accordingly.

No. 1157 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

2nd Cavalry.

Ensign E. B. Bishop, of Her Majesty's 54th Foot, 2nd Doing-Duty Officer, 28th (Punjab) Regiment Native Infantry, a candidate for the Staff Corps, to be 2nd Doing-Duty Officer on probation.

No. 1158 *of* 1865.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant E. T. Fortescue, of the late 34th Regiment Native Infantry.	22nd Nov. 1865.

No. 1159 *of* 1865.—The under-mentioned Soldiers of Her Majesty's service are permitted to reside and draw their pay in India as out-pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions :—

Private Thomas Henry White, of Her Majesty's 55th Foot.

Corporal John Norris, 3rd Battalion Rifle Brigade.

No. 1160 *of* 1865.—Third Class Sub-Assistant Surgeon Banymadhub Tagore, attached to the Dispensary at Pind Dadun Khan, having been pronounced qualified for advancement, is, under the rules passed by Government in the Home Department, dated 6th January 1849, promoted to the second Class, with effect from the 22nd November 1865.

No. 1161 *of* 1865.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified opposite to his name. :—

	Date of arrival at Fort William.
Lieutenant John Hill	... 10th December 1865.

No. 1162 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 329, dated the 8th November 1865, is published for general information :—

MILITARY. INDIA OFFICE;

No. 329. *London, 8th November* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

The under-mentioned Officers have been permitted to return to their duty, viz. :—

Major J. B. Thelwall, C. B.

Captain J. Gillespie.
" R. Smith.

Lieutenant A. W. Parker.
" M. W. Gataker.
" A. Murray, viâ the Cape.
" R. J. Wimberley.
" G. R. Hennessy.

Surgeon H. A. Oldfield.

Assistant Surgeon J. J. McDermott.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz. :—

Colonel H. Rigby ...	6	months.
Lieut. Col. E J. Richards ...		
Capt. W. Hichens ...		
Lieut. J. S. Robinson ...		
" J. M. Glubb ..		
" A. C. Padday ...	3	"
Surgeon Major J. Macpherson	4	"
Asst. Surg. D. B. Daly, M. D....	6	"

3. The under-mentioned Officer has been permitted to retire from the service from the date specified, viz. :—

Major F. R. Bacon, from the 26th October 1865.

I have, &c.,

(Sd.) C. WOOD.

H. W. NORMAN, *Colonel,*

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

REVENUE—FORESTS.

No. 30 F.

Fort William, the 9th December 1865.

NOTIFICATIONS.

Mr. Henry Leeds, Officiating Conservator of Forests, British Burmah, returned from the privilege leave for three months granted him in Notification No. 22 F, dated the 16th September 1865, and resumed charge of his office on or after the 22nd November 1865. The remainder of the leave granted is hereby cancelled.

ESTABLISHMENT.

No. 436.

The 14th December 1865.

Sergeant R. Forrester, of the Sappers and Miners, is appointed to the Public Works Department as an Overseer of the 1st grade, and posted to the North-Western Provinces.

C. H. DICKENS, *Lieut. Col.,* R. A.,

Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTIFICATION.

In order to facilitate the transfer of the management of the public debt to the Bank of Bengal, which will take effect from the 2nd of January 1866, no Promissory Notes will be received at this Office, either for payment of interest or for renewal, after the 22nd December 1865.

By Order of the Government of India,

R. P. HARRISON,

Comptroller Genl. of Accounts.

FORT WILLIAM;
LOAN OFFICE,
The 14th October 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees		1,23,370
Lahore	" "	5,38,060

(Sd.) H. HYDE,

Head Commissione

9th December 1865.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total amount outstanding according to the Registers received in this Office up to 7th December 1865.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 25th November 1865 ...	13,00,100	53,000	300	22,39,500	24,49,700	1,13,10,500	83,50,300	36,84,700	5,20,12,700	2,85,72,000	27,600	16,000	11,00,16,400
ADD—													
Amount enfaced at Madras, as per Registers received up to date	...	...	...	...	2,000	1,100	700	...	3,500	30,500	...	...	37,800
Amount enfaced at Bombay, as per ditto ...	21,600	...	...	...	...	21,800	20,500	...	...	...	...	...	63,900
Amount enfaced at Calcutta up to date	...	...	...	35,800	2,000	2,500	6,000	5,000	17,500	66,000	...	...	1,34,800
Total ...	13,21,700	53,000	300	22,75,300	24,53,700	1,13,35,900	83,77,500	36,89,700	5,20,33,700	2,86,68,500	27,600	16,000	11,02,52,900
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	86,100	...	...	...	61,100	1,02,100	1,31,500	27,300	1,72,700	2,90,000	...	...	8,70,800
Total ...	12,35,600	53,000	300	22,75,300	23,92,600	1,12,33,800	82,46,000	36,62,400	5,18,61,000	2,83,78,500	27,600	16,000	10,93,82,100

FORT WILLIAM;
LOAN OFFICE,
The 12th December 1865.

E. F. HARRISON,
Officiating Comptroller General of Accounts.

NOTICE.

Notice is hereby given that Christmas day and the two following days, viz., Monday the 25th, Tuesday the 26th, and Wednesday the 27th current, will be observed as close holidays at the Bank of Bengal and General Treasury, in conformity with Government Notification No. 64 of the 16th April 1862.

By order of the Directors,

GEO. DICKSON,

Secretary and Treasurer.

BANK OF BENGAL; CALCUTTA, *12th December* 1865.

NOTICE.

Notice is hereby given that an application has been made to the High Court of Judicature at Fort William in Bengal in its Testamentary and Intestate Jurisdiction for Letters of Administration to all and singular the estate and effects which were of Peter Arson Duverger, deceased, late of Teenpahar, in the Province of Bengal, a member of the Firm of Messrs. Kenyon and Duverger, of the Town of Calcutta, Coolie Agents, to be granted to Charles Swinton Hogg, Esquire, Administrator General of Bengal.

REMFRY & ROGERS,

Proctors.

CALCUTTA, *13th December* 1865.

NOTICE.

The under-mentioned Government Promissory Note, belonging to the undersigned, has been destroyed by white-ants. Application is about to be made to the Loan Office for a duplicate :—

No. 7765 of the 4 per cent. loan of 1832-33, for Sicca Rupees 400.

ANN GOMES.

CALCUTTA, *The 25th November* 1865.

NOTICE.

The under-mentioned five Government Promissory Notes, belonging to the undersigned, having been more or less destroyed by white-ants, application is about to be made to the Loan Office for duplicates :—

No. 82172 of the 5 per cent. loan of 1856-57, for Co.'s Rs. 1,000.
" 26206 of the 5 " " of " for " 600.
" 3781 of the 5 " " of " for " 700.
" 60810 of the 5 " " of " for " 700.
" 983 of 1086 of the 4 per cent. loan of 1835-36, for Co.'s Rs. 500.

R. H. CUNLIFFE.

CALCUTTA, *The 25th November* 1865.

FOR SALE.

A Quarter-Share in a flourishing Tea Plantation, situated in Upper Assam, comprising 8,300 acres of Forest land, and 200 acres stocked with healthy one and two year old plants. For further particulars, apply to

A. SANDERSON,
6, *Bankshall Street.*

NOTICE.

Whereas it appears to the Chief Commissioner, Oudh, that land is required to be taken up at the public expense for a public purpose, it is hereby declared that the land noted below is appropriated under Section 2 of Act VI of 1857 :—

District.	Pergunnah.	Mouzah.	Amount of land.			For what purpose required.
			Acres.	R.	P.	
Roy Bareilly.	Roy Bareilly	Kundoura ...	9	0	15	For an ordinary Encamping Ground at Hurchundpore, on road from Lucknow to Roy Bareilly.
Ditto ...	Hyderghur	Arazi Seer Sirkar ...	13	2	15	For ditto at Hyderghur, on ditto to Sultanpore.
Ditto ...	Ditto ...	Hyderghur Khas ..	12	0	10	
Ditto ...	Ditto ...	Hyderghur Nazool ...	7	0	10	
Ditto ...	Ditto ...	Alahdadpoor ..	7	1	30	From ditto at Lonee Kattra, on ditto to ditto.
Ditto ...	Ditto ...	Moobarukpoor ...	19	3	30	
Ditto ...	Buchraon ...	Neem Teekur ..	10	1	35	From ditto at Hussungunje, on ditto to Roy Bareilly.
Ditto ...	Ditto ...	Boodurpoor ...	5	0	25	

N. B.—All these encamping grounds are of the same size, but as no compensation is required for barren land, such land is not entered in the Notification.

LUCKNOW, *The 23rd November* 1865.

A. M. LANG, *Captain*, R. E.,
Asst. Secy. to Chief Commr.,
D. P. W., Oudh.

LOST.

In transit between Jubbulpore and Calcutta, on the 3rd October 1865, the 1st halves of the following Government Currency Notes of Central Provinces :—

Particulars.

1 Note No.	25558	Rs.	500	Brought over,		Rs.	2,600
1 „	25559	„	500	1 Note No.	43213	„	50
1 „	25561	„	500	1 „	43214	„	50
1 „	71301	„	100	1 „	43215	„	50
1 „	71302	„	100	1 „	60762	„	20
1 „	71328	„	100	1 „	63521	„	20
1 „	71341	„	100	1 „	70104	„	20
1 „	71434	„	100	1 „	70105	„	20
1 „	78857	„	100	1 „	70109	„	20
1 „	78858	„	100	1 „	74012	„	20
1 „	78859	„	100	1 „	74013	„	20
1 „	95205	„	100	1 „	45147	„	10
1 „	30580	„	50	1 „	45998	„	10
1 „	30845	„	50	1 „	46610	„	10
1 „	31101	„	50	1 „	49939	„	10
1 „	31662	„	50	1 „	60101	„	01
Carried over,			2,600	Total,			2,940

The Public as well as the Treasury Officers are warned against cashing any of the above Notes.

BUNSEELOLL ABEER CHUND,
Rae Bahadoor.

KAMPTEE,
2nd December 1865.

LOST

On the 5th December 1865, the following Government Currency Notes :—

No. $\frac{A}{30}$ 24841, for Rs. 100.

No. $\frac{A}{30}$ 30837-88632-99978, each 50 Rupees.

CALCUTTA,
15th Dec. 1865.

ROMA NAUTH BOSE,
At Messrs. Walton & Co.

LOST.

The undersigned hereby notifies for general information that a Government Promissory Note No. 40718 of 4 per cent. Loan of 1854-55, dated 30th June 1854, standing in her name, for Rs. 15,000, was, on the night of the 10th instant, lost on the road to Pooducottah, near Nellore, in the Madras Presidency. The community in general are hereby prohibited from receiving the same. An application for the issue of duplicate has been made to the proper Authorities.

अंबुबाई
AMBOOBOYEE.

TRICHINOPOLY,
21st January 1865.

LOST OR STOLEN.

Currency Note No. 33201, of the Calcutta Circle, for Rs. (1,000) one thousand, between Allahabad and Cawnpore. Application for payment has been made to the Commissioner, Paper Currency, Calcutta.

ENAYUT RUSSOOL,
Talookdar, Rudowlee, Oudh.
چودري عنايت رسول تعلقه دار پرگنه ردولي

ZILLAH DURRIABAD,
OUDH;
The 21st November 1865.

STOLEN OR LOST.

A Government Promissory Note, No. 43042 of 1854-55, of 4 per cent. loan (on Cawnpore Treasury), for Rs. 2,000, payment of which has been stopped, as also a few testimonials, all in a box, from Dâk Garry from Lucknow *en route* to Cawnpore, near Bunthara, on the 17th October 1865. Any person giving such information as will lead to the recovery of the Note will be handsomely rewarded by

JOYNARAIN, the youngest brother
of Moonshee Ram Narain,
Old Genl. Gunj, Cawnpore.

MOONSHEE RAM NARAIN'S HOUSE,
OLD GENL. GUNJ, CAWNPORE,
The 23rd November 1865.

WANTED.

A 2nd Clerk for the Gya Collectorate, on a salary of Rs. 60 per mensem. He must be acquainted with English and Oordoo, and be able to translate.

Applications to be addressed, post paid, accompanied by testimonials.

H. KEAN,
In charge.

GYA COLLECTORATE,
The 21st November 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Applications, with copies of testimonials as to character and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

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Legislative Department. "There is one other point," say the Trades' Association, "in which your memorialists think the system of the English Post Office may be followed with great advantage to the revenue of the Indian Post Office, namely, with regard to the payment of official correspondence. If all Government Offices prepaid their postage, debiting it of course to office accounts, the bulk of the mails would doubtless be greatly reduced, and a more correct estimate of the actual cost of postal arrangements would be attained." This had been a vexed question for many years. He was afraid that the Association were too sanguine in their expectation that the bulk of the mails would be diminished if this last suggestion were adopted. He might mention, however, that recently the Government had agreed to adopt, at the recommendation of the Director General, a system almost identical with that in use in England. According to this a certain number of the principal Offices would keep accounts with the Post Office, and minor Offices would be required to use service stamps.

The Hon'ble MR. BULLEN said that this Bill had been also under the consideration of the Committee of the Chamber of Commerce, and though no representation had come up to the Council from that body, he might say that they held the same view regarding the increase of the unit of weight of letter-postage from quarter to half tolah which had been expressed in the petition of the Trades' Association, and on very similar grounds. When the existing uniform rates first came into operation in 1854, no portion of that long unbroken line of Railway communication, which now extended from Calcutta to Delhi, and which in a comparatively short time would unite Calcutta with the Capital of Western India, and the two with our far-off frontier in the extreme North-West, then existed for postal purposes. The mails were consequently conveyed, entirely, by cart or by runners, and it was a perfectly intelligible policy to encourage the use of the thinnest paper for correspondence, so that the carts or runners should not be overweighted and the delivery of the mails retarded. But now that the mails were conveyed such long distances by Railway, weight was of far less importance, and would become less important week by week as further sections of Railway were opened for traffic. It must also be considered that, even if the unit of weight should be raised to half a tolah, the Indian charge for postage would still be double the English charge. At present the Indian rates were four times greater than the English rates. For instance, in England a letter not exceeding half ounce in weight was carried for 1*d*. The equivalent weight of 1¼ tolah was charged in India 3 annas, or 4½*d*. Again, a letter not exceeding one ounce was charged in England 2*d*. In India the equivalent weight, 2½ tolahs, was charged 6 annas or 9*d*. Supposing the unit to be increased to half a tolah, and half an anna to be charged for each further half tolah or fraction thereof, then the Indian letter of 1¼ tolah or half an ounce, which in England would be charged 1*d*., would be charged 1½ anna or 2¼*d*, and the letter of 2½ tolahs, or one ounce, which in England would be charged 2*d*., would be charged 2½ annas or 3¾*d*.

He did not suppose that this change could be carried out without some sacrifice of revenue, but he did not believe it would be an important one. The letters formerly charged half an anna would continue to be charged half an anna. No doubt the weight of the mails would be increased by the use of thicker paper for correspondence, but this was now of little importance, and it would be found that, as the charge for conveying letters was reduced, the number would be increased. But the strongest argument in his opinion for increasing the weight which might be carried for single postage, was the fact that the Government at present derived an enormous profit out of the Post Office revenue. He had before him a copy of an Appendix to the last Report of the Director General of Post Offices, showing that the surplus revenue of the Post Office, supposing official letters to be charged with postage like ordinary correspondence, as he (Mr. Bullen) contended that it should be, was, for the year 1863-64, nearly 29 lakhs of Rupees. He (Mr. Bullen) maintained that the correspondence of individuals should not be taxed to cover the cost of conveying and delivering the letters of the various Government Departments; and if each bore only the share of the general expenditure of the Post Office which equitably belonged to it, the unit of weight might be raised to half a tolah and a surplus revenue still remain. With regard to newspapers, he was disposed to support the petition which had been referred to. The *Times* newspaper, weighing with its first sheet of advertisements four ounces, or ten tolahs, was conveyed between any two points in Great Britain for 1*d*., and he would allow newspapers of the same weight to be conveyed to any part of India for an uniform rate of one anna, or 1½*d*.

He would not follow the Hon'ble Member in his remarks respecting Book post and Banghy dâk rates. They could be more conveniently considered in Committee. He was glad, however, to infer from what had fallen from the Honorable mover, that, on the question of an increased unit of weight for both letters and newspapers, the Government would concede what had been asked, should a majority of the Committee be in favour of it.

The Hon'ble MR. GREY remarked that he had not intended to imply this.

His Excellency the COMMANDER-IN-CHIEF enquired of the Hon'ble Mr. Grey if an estimate had been framed of the probable result to the revenue of the proposed changes, and further if an estimate could be afforded of what the reduction would probably be, if the reforms suggested by the Hon'ble gentleman opposite (Mr. Bullen), were effected with regard to the proposed measure.

The Hon'ble MR. GREY said that the reduction as caused by the Bill would be trifling, and that no estimate had been framed of the possible loss of revenue that would follow on the adoption of Mr. Bullen's suggestion.

His Excellency the COMMANDER-IN-CHIEF then said that he must take exception to some of the reasoning of the Hon'ble Member opposite.

Thus, it had been said that postage in India was a great deal dearer than postage in England, because the penny in England covered a much heavier weight than the half anna in India. A fallacy was to be discovered in such an argument. The Hon'ble gentleman had omitted to take into his calculation the fact that distances in India were four and five times greater than in England. Thus, a letter in England could hardly travel more

than four hundred miles, whereas in India distances of fifteen hundred or even two thousand had to be encountered. It was evident, therefore, that when the comparative rates of postage were estimated for testing the dearness of postage, the element of distance must be considered in the calculation to the full as much as the element of weight.

There was another point on which His Excellency ventured to remark on the observations of the Hon'ble gentleman opposite. It was true that we now had a system of Railways in India, which during the last ten years had grown from small beginnings, and come to perhaps two thousand five hundred miles. This system was daily being added to, and we might perhaps hope that ten years hence, we should have five thousand miles of railroad in India. Nevertheless these Railways could only apply to trunk lines. His Excellency apprehended—and he believed he would carry the Executive Government with him in his conviction—that the difficulty of the Post Office lay in the country or district posts.

It was but natural that the capitalists of a great city like Calcutta should wish the matter before the Council to be arranged in a manner which appeared most convenient to themselves. But the Council was bound to think first of it as a matter affecting the Native population at large. It was not one which could be disposed of by a restrictive Railway system, but it must depend in great measure on the means for carrying letters, as afforded by the districts lying apart from the great lines. It was quite true, as stated by the Hon'ble gentleman, that official postage bore a very large proportion to that on account of private letters. But it was probable that would be not nearly so much the case, if the Post Office were able to deal with the difficulty of the district posts with entire success. It was from such a point of view, therefore, that the matter must be looked at, viz., how best the advantages of the Post Office could be applied to the country at large, and here we must think much of that immense population which is not immediately represented in this Council.

The Hon'ble the MAHARAJA OF VIZIANAGRAM said that two points in the Bill struck him as requiring a slight alteration.

As to the first class of letters excepted from the exclusive privilege of Government, as provided for in Section 2 of the Bill, it seemed to him that it did not include *all* letters made over, in a village, in the interior, to one man who proceeded from thence to a town at some distance, and delivered them (without any hire or remuneration) to the villagers' friends or relatives residing in that town.

Should his view be correct, he would propose that the Select Committee should alter that Section, in order to include in the exception the letters to which he referred.

Secondly, from the wording of paragraph 6 of Section 6 it seemed to him that no more than the newspaper of one day would be allowed to be sent under one cover.

Should his surmise be well founded, he would move that the wording of that paragraph be so altered as to admit of any number of newspapers, weighing not more than six tolahs, being carried under one cover,—as otherwise it would, he was afraid, inflict a great hardship on many persons of limited means, who for economy's sake, instead of getting their papers every day, received them two or three times every week.

The Hon'ble MR. GREY in reply said that he had little to say in answer to the Hon'ble Mr. Bullen's observations, for the chief point which he would otherwise have urged had been well put by His Excellency the Commander-in-Chief, namely, that it was to Native correspondence we should mainly look in legislating on the subject of the Post Office. As to what Mr. Bullen had said in reference to official correspondence, if his argument were followed out to its legitimate conclusion, it seemed to him (Mr. Grey) that it would follow that, if official correspondence unhappily so increased as that the postage charged should exceed the whole cost of the Post Office establishments, that then the correspondence of the public should be carried for nothing at all. He could not see that the amount of the postage on official correspondence had any bearing at all on the question. The Indian Post Office was just as legitimately a source of revenue in India as the English Post Office was in England, and all that the Government and the public had to look to was that fair and reasonable rates were charged, and that they were adapted to the circumstances of the country.

The Hon'ble MR. COWIE added a few words, and

The Motion was put and agreed to.

REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. GORDON, in moving for leave to introduce a Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances), said, that the present Bill was necessitated by the difficulties which had been felt respecting some important points in the system of registration established by Act XVI of 1864. It was not clear who were the parties bound under Section 28 to present an instrument for registration, and the Act contained no provision enabling the person who had an interest in the registration to enforce its completion. The directions contained in the Act for the mechanical process of registration had also been found to be inconvenient. Doubts, too, had been raised as to the meaning of the Section providing a procedure in case of refusal by a Registrar to register an instrument of which the registration was compulsory; and various suggestions had been made, the adoption of which would render the legislation on the subject more useful and intelligible than at present.

The Act of 1864 had been already amended by Act No. IX of 1865, so that if a new Act were passed, merely amending the existing law, the rules of registration would be contained in no less than three enactments. This was obviously inexpedient, and the Bill had therefore been prepared so that, if it became law, the present Acts would be repealed and re-enacted with the necessary alterations and additions, and the whole Registration law would then be contained within the compass of a single Act.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the

Post Office—His Honour the Lieutenant-Governor, His Excellency the Commander-in-Chief, and the Hon'ble Messrs. Maine, Bullen, Cowie and the mover.

The Council adjourned till the 15th December.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 8th December 1865.

PUBLIC WORKS DEPARTMENT.

Lighthouses on the Coast of British Burmah.

From the Right Hon'ble SIR C. WOOD, BART., G. C. B., Secretary of State for India, to the Government of India,—No. 51, dated 7th October 1865.

I have had under consideration in Council your Despatches, dated June 14th (No. 62), and July 20th and 28th (Nos. 77 and 87), 1865, transmitting Colonel Fraser's valuable Reports on the operations with respect to Lighthouses on the Coast of British Burmah for 1864-65, together with the Resolutions of your Government on the subject.

2. I concur with you in the opinion that an account of the work connected with the Alguada Reef Lighthouse, illustrated with drawings, will be very useful, and that it will be proper for the Government to undertake its publication. Colonel Fraser has accordingly been informed that I approve of his offer to prepare such a narrative.

3. It is obviously advisable that the nature of the ground on the Oyster Reef should be clearly ascertained before any work is commenced connected with a Lighthouse. Colonel Fraser has, therefore, been instructed to put himself in communication with the Director General of the Stores Department in this Office, with a view to the transmission to Akyab, by the Overland Route, of an experimental Screw-pile and a spare one with the necessary screwing apparatus. If possible, they will be despatched in time for the experiment to be tried during the next cold season. Colonel Fraser has received permission to visit the Screw-pile Lighthouses already erected in Europe, and he will, afterwards, be instructed to prepare designs for Lighthouses on the Oyster Reef and Krishna Shoal.

4. I trust that a careful survey of the mouth of the Rangoon River will be executed forthwith, in order that definite proposals for the constuction of the two Lighthouses, at the entrance of the Port of Rangoon, may be prepared.

5. With reference to your Despatch, dated July 20th (No. 77), 1865, Colonel Fraser has been directed to draw up such detailed instructions as will enable the Government of Bengal to cause surveys and experiments to be made at the mouth of the Hooghly, with a view to the substitution of Screw-pile Lighthouses for Floating Lights.

6. In conclusion, I have great pleasure in expressing my cordial concurrence in the commendation recorded by your Government of the forethought, resource, energy, and perseverence which have been displayed by Lieutenant-Colonel Fraser, and by the Officers who served under him, in the execution of the important public works connected with the Alguada Reef Lighthouse.

Best means of keeping water sweet when stored in Tanks.

Read the following papers :—

From COLONEL W. KENDALL, R. E., Acting Secy. to Govt. of Bombay, in the P. W. Dept, to Secy. to Govt. of India, P. W. Dept.,—(No. $\frac{1239 \text{ C. W.}}{2309 \text{ M.}}$, dated 26th October 1865).

I am directed by His Excellency the Governor in Council to acknowledge the receipt of your letter No. 761 C, dated 26th July 1865, calling for a report on the Vehar Lake, and on the general question whether water artificially stored can ever be so safe for drinking purposes as deep well water. In reply I beg to transmit a Report* on the subject from the Government Consulting Engineer, and also Extracts from the Proceedings of the Committee assembled to investigate the causes of the impurity in the Lake water, and to devise means for purifying the same.

* No. 79 of 1865, and accompaniments.

From CAPTAIN J. H. WHITE, R. E., for Offg. Cons. Engr. to Govt. for Bombay Water Works, to Secy. to Govt. of Bombay, in the P. W. Dept.,—No. 79 of 1865.

I have the honor to acknowledge your Memorandum No. $\frac{721}{1734}$ of 1865, dated the 8th instant, forwarding for report a letter No. 761, dated 26th July, from the Secretary to the Government of India, Public Works Department, on the subject of the Vehar water.

2. It is a fact that during last hot season the Vehar water, which does not undergo any filtering process at present, was more or less in an impure state. The cause of the impurity is explained in the Proceedings of the Committee assembled by order of Government on the 9th June last, and the remedies recommended by the Committee are described. As Dr. Leith, the President of the Committee, has kindly furnished me with a copy of the Report, I append an Extract paras. 1 to 6, to which it is needless for me to add any remarks.

3. The complete Proceedings were submitted to Government by Dr. Leith, through the Secretary to Government, General Department.

Extract from Proceedings of the Committee appointed by Government letter No. 678 of 1865, in the General Department, and assembled at the Town Hall, Bombay, 9th June 1865.

PRESENT :

A. H. Leith Esq., M.D.,	A. J. Crawford, Esq.,
Lieut. Col. A. DeLisle,	Capt. H. F. Hancock,
Surg. R. Haines, M.D.,	J. Ormiston, Esq.,

One Member, Bhow Dajee, Esq., absent.

It is ascertained from evidence before the Committee, and from the personal observations of most of its members, that the Vehar water was in a more or less impure state during a great part of the last hot season, and that animalcules and particles of aquatic plants were present

in the water drawn from the distribution pipes; it is ascertained also from reports received that at the same time, aquatic vegetation was so abundant in the neighbourhood of the inlet tower as to choke its strainers, and that there was a layer of foul mud several inches thick in the lower part of the bed of the reservoir.

2. It has been reported also to the Committee that the water drawn from near the bottom of the reservoir, through the lowest valve of the inlet tower, had an offensive odour, while what was taken from the surface was nearly free from it, and that a sample of the water which was drawn from below for examination had lost its offensive smell when it arrived at Bombay.

3. The Committee is of opinion that the general offensive condition of the water was caused by the decomposition of both the vegetable and the animal matter it contained, and the greater intensity of the foul odour at the greater depth was owing to the water which was in contact with the mud at the bottom, being more fully impregnated with the gas evolved during the putrefaction of organic matter, while this gas became dissipated or destroyed by oxidation when the water came into contact with the atmosphere.

4. The water, although it was temporarily deteriorated, appears from recorded recent chemical analysis, after being freed from suspended impurities, to hold dissolved in each gallon only sixtenths of a grain of organic matter, which is not more than exists in the purest waters supplied to towns in Great Britain.

5. To maintain the purity of the water, it is recommended by the Committee that all aquatic plants be most assiduously uprooted from all parts of the basin. That every year the surface layer of that part of the bed of the reservoir left bare by the reservoir of the water, and on which there is vegetation of any kind, be thoroughly scraped off, and that mud or earth thus removed be deposited in a place from which it cannot be washed back into the reservoir in the subsequent rains. Also that all trees and bushes on the level ground and gentle slopes near the water be cut down and removed. It is thought to be necessary to have the trees on the steeper slopes of the gathering ground to prevent the earth from being loosened by heavy rain, and carried into the bed of the basin, which would be likely to take place were the surface to be deprived of the protection afforded by the binding fibres of the roots of the trees. It is recommended also that in every hot season the dry grass and fallen leaves on every part of the surface of the gathering ground be carefully and thoroughly burnt, so that no perishable vegetable matter be left that can be carried into the water during the rains.

6. If it be still found that the Vehar water is subject to deterioration in quality, such as was recently experienced, or that it continues to have impurities suspended in it, it is recommended that filtration be had recourse to, without further delay. Quartz and silicious sand for the filters will have to be brought from a distant part of the Presidency, as the river gravel which is formed of the detritus of the trap-rock of the neighbouring country, and the calcareous sand of the Bombay sea-shore, are not well fitted for the purpose.

From LIEUT. COLONEL C. H. DICKENS, R. A., Secy. to Govt. of India, P. W. Dept., to Secy. to Govt. of Bombay, in the P. W. Dept.,—(No. 1154C, dated 4th December, 1865.)

I am directed to acknowledge receipt of your letter No. $\frac{1239C. W}{2309 M.}$, dated the 26th October 1865, forwarding a Report by a Committee on the water of the Vehar Lake, in which the removal of aquatic plants from the bed, and of vegetation as far as possible from the gathering ground, as also the introduction of filtering, are recommended.

2. In reply, I am to observe that the first of these recommendations is opposed to the common opinion that the growth of certein water-weeds purifies the water. There are many tanks in India where no such precautions as are recommended by the Committee are taken, and where the water remains perfectly pure, or, at least, not offensive, all the year round.

3. His Excellency in Council desires me to draw attention to this fact, and to request that the Government of Bombay will have the subject further investigated with reference to its great importance on the general question of water-supply, not only as regards the Vehar Lake, but generally. Reports on the subject should be called for from all Public Works Officers; and any other persons who are known to take an interest in the subject should also be invited to favor Government with their views and experience. The practical point to which the enquiry should be directed is the means of keeping water sweet when stored in tanks, and especially what precautions are requisite in regard to new tanks.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 51.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 23, 1865.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd of December 1865, and is hereby promulgated for general information:—

Act No. XXIX of 1865.

An Act to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865.

Preamble.

Whereas it is expedient to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865 (Act No. XX of 1865); It is enacted as follows:—

Persons qualified as Pleaders or Mookhtars when Act No. XX of 1865 shall come into operation may continue to practise for six months as if that Act had not been passed.

1. Notwithstanding anything contained in the Pleaders, Mookhtars and Revenue Agents' Act, 1865, any person who at the time when such Act shall come into operation shall be duly qualified to practise as a Pleader or Mookhtar in any Court in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as a Pleader or Mookhtar, as the case may be, in such Court for the period of six calendar months from the time when the said Act, shall come into operation in that part of India, without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act had not been passed.

Fees now payable by any person in respect of his adversary's Pleader to be payable during the six months as if Act XX of 1865 had not been passed.

2. All fees which are now by law payable upon proceedings in any Court by any party in respect of the fees of his adversary's Pleader shall continue to be payable, and may be allowed during the said period of six calendar months as if the said Act had not been passed.

Persons practising as Revenue Agents when Act No. XX of 1865 shall come into operation, may continue to practise for six months as if that Act had not been passed.

3. Notwithstanding anything contained in the said Act, any person who all the time when such Act shat come into operation shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as an Agent before such Board or in such Office, as the case may be, for the period of six calendar months from the time when the said Act shall come into operation in that part of India without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act, had not been passed.

High Court may permit person entitled, without examination, to a certificate authorizing him to practise as a Pleader in the Courts mentioned in Act No. XX of 1865, Section 10, Clause (c), to practise in Small Cause Courts.

4. Whenever the High Court shall cause a certificate, whether original or renewed, authorizing the holder to practise as a Pleader in the Courts mentioned in Clause (c) of Section 10 of the said Act, to be issued to a person entitled, under the proviso in Section 5 of the same Act, to be admitted and enrolled as a Pleader in the High Court without passing any examination, the Court may in such certificate authorize the holder to practise as a Pleader in Small Cause Courts in addition to the Courts mentioned in the said Clause (c), and he shall thereupon be entitled to practise as last aforesaid, subject to the conditions contained in the said Act as to the duration of and stamp on a certificate authorizing the holder to practise as a Pleader in the Courts mentioned in the said Clause (c).

Interpretation Clause.

5. In the construction of this Act and of the said Act No. XX of 1865, the expression 'Office subordinate to such Board' and in the construction of the latter Act, the expression 'Revenue Office,' shall be taken to apply to Collectors and Deputy Collectors trying suits under Act No. X of 1859

(to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).

This Act to be taken as part of Act No. XX of 1865.

. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd day of December 1865, and is hereby promulgated for general information :—

ACT No. XXX OF 1865.

An Act to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

Preamble.

Whereas, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of Irrigation, as should not exceed the rates which should "be defined by an Act of Parliament of the Indian Legislature," and should not in any case charge any higher rates whatsoever: And whereas it is expedient to fix the rates which the said Company may charge for the said purpose; It is enacted as follows :—

Rate which Company may charge for water supplied for purposes other than Irrigation

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of Irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

Commencement of Act.

2. This Act shall come into force on the first day of January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th December 1865 and was referred to a Select Committee with instructions to make their report thereon in six weeks :—

No. 23 OF 1865.

A Bill to amend the Law of Partnership in India.

Preamble.

Whereas it is expedient to amend the Law relating to Partnership; It is enacted as follows :—

Lender not a partner by advancing money for share of profits.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

Remuneration of agents, &c., by profits not to make them partners.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Certain annuitants not to be deemed partners.

3. No person being the widow or child of the deceased partner of a trader and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader.

Receipt of profits, &c., not to make the seller a partner.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Interpretation of "person."

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

STATEMENT OF OBJECTS AND REASONS.

This Bill is, with one addition and one omission, transcribed from the English Statute 27 and 28

Vic., cap. 86, which, by simply abolishing an objectionable legal principle, known as the rule in *Waugh* v. *Carver*, is expected to produce the same effects as the French system of partnership *en commandite*.

Apart from the obvious expediency of Indian following English legislation in mercantile matters, the abolition of the rule in question is desirable for various reasons. The rule—that he who participates in the profits of a partnership shall, by operation of law, be made liable to its losses—is a mere *obiter dictum* of Chief Justice Eyre's, and is founded by him on Lord Mansfield's irrelevant decision in *Grace* v. *Smith*. In that case the share of the profits stipulated for by the lender, would have amounted to more than the legal rate of interest, and the fiction of a constructive partnership was invented by Lord Mansfield as the only means of upholding a contract which, if regarded as one of loan, would have been void as contravening the usury laws. These laws having now been abolished, the fiction which originated in them need no longer be maintained. Next, the abolition of the rule will give additional stability to mercantile firms, by doing away with the risk which at present would be incurred by retiring partners who should leave their shares in the business, stipulating for remuneration out of the profits. Thirdly, the Bill, if it become law, will promote those beneficial arrangements between employer and employed, based on the principle of the latter being remunerated by a portion of the profits of the business. Fourthly, interests created under the proposed Act will not generally be saleable, and the non-commercial classes will therefore be able to procure investments which, though more remunerative than Government Paper or mortgages, have not the highly speculative value of shares in ordinary limited liability undertakings. Lastly, the change proposed would in one important respect bring our mercantile law into harmony with that of the Natives of India, who are well known to practise among themselves a system of commanditarian partnership.

The addition above referred to is that of an explanation to the effect that a retiring partner leaving in the business the value of his share shall be construed to make a loan within the meaning of the 1st section. The omission above referred to is that of the 5th section of the English Statute, which provides that, in case of the borrower's insolvency, the commanditarian lender shall not be entitled to prove in competition with the other creditors. This provision appears to be at variance with the spirit of the rest of the enactment; and there would, moreover, be practical difficulties in working it in the Mofussil, where no system of insolvency has yet been established.

H. S. MAINE.

The 5th December 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

HOME DEPARTMENT.

NOTIFICATION.

With reference to the Notification of the 19th instant, it is intimated that all gentlemen desirous of attending the Viceroy's Levee on the 11th proximo, who have not already been presented at Government House, are required to send their cards, with the name of the gentleman who is to present them, to the Aide-de-Camp in waiting, on or before the 6th January 1866.

It is necessary that gentlemen presenting others should themselves have been presented at a former Levee.

By Command,
SEYMOUR BLANE, *Lieut. Colonel,*
Military Secy. to the Viceroy.

MILY. SECY.'S OFFICE;
GOVT HOUSE,
The 22nd December 1865.

No. 5101.

Fort William, the 16th December 1865.

NOTIFICATIONS.

The Right Reverend the Lord Bishop of Calcutta has granted three months' privilege leave to the Reverend W. Ayerst, Chaplain of Fyzabad.

No. 5103.

Wuzzeer Hosain, Extra Assistant Commissioner, Baraitch, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 5105.

Mr. R. N. Shore, of the Civil Service, has reported his departure from India per Steam Ship "Simla," which vessel was left by the Pilot at sea on the 10th instant.

No. 5109.

Mr. G. Wiggins, Head Master of the Saugor School, Central Provinces, is appointed to be Inspector of the Southern Circle of Education, Central Provinces.

No. 5138.

The 18th December 1865.

Mr. A. Tween availed himself, on the 4th of June, of the leave granted to him in Notification No. 3619, dated the 21st of April, and resumed charge of his duties as Curator of the Geological Museum on the afternoon of the 4th instant.

No. 5168.

The 19th December 1865.

Mr. T. H. Cowie, Advocate General, reported his return from England, and resumed charge of his duties on the 14th instant.

No. 5169.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. G. G. Morris, of the Civil Service, who returned from furlough on the 13th instant.

No. 5205.

The 20th December 1865.

Mr. C. D. Clifford Lloyd, Additional Assistant Commissioner of the 3rd Grade in British Burmah, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 5244.

The 21st December 1865.

Appointment.—Mr. Biscoe Stainforth, Assistant Superintendent of Police, Eastern Dooars of Bootan, is appointed Assistant District Superintendent of Police in Oudh, vice Lieutenant Stainforth, deceased.

No. 5255.

The Reverend W. Simpson, Junior Chaplain on the Bengal Establishment, availed himself, on the 5th ultimo, of the furlough granted to him on the 24th of July last.

No. 5283.

The 22nd December 1865.

In Notification in the *Gazette of India*, No. 442, dated 26th July 1865, defining the revised boundary of the jurisdiction of the Recorder of Maulmain, at page 845, in line 33, for the word "Sittang" read "Salween," and in line 38, for "Kall Mopoon" read "Kaw Mopoon."

No. 5285.

The Governor General in Council, under the authority given by Section 46, Act V of 1865, is pleased to appoint the following Officers to be Ex-officio Marriage Registrars and Senior Marriage Registrars under the provisions of the Statute passed in the 14th and 15th year of the reign of Her Most Gracious Majesty Queen Victoria, entitled an Act for Marriages in India, and of Act V of 1852, passed by the Governor General of India :—

Every Deputy Commissioner and every Officiating Deputy Commissioner of a District in the Province of Oudh, to be Marriage Registrar, and Senior Marriage Registrar in districts where there are more than one Marriage Registrar.

Under the authority given by Section 19 of the above Act of Parliament, the Governor General in Council is further pleased to prescribe that the under-mentioned fees shall be taken by the Marriage Registrars.

	Rs.
For receiving each notice of marriage ...	1
For publishing each notice of marriage ...	2
For the issuing of each certificate	5
For every marriage forbidden or protest entered	10
For registering each marriage	3

No. 5272.

Appointment.—Captain P. W. Mitchison, late of the Indian Navy, is appointed to be Master Attendant at Maulmain.

No. 5317.

Mr. C. E. Chapman, of the Bengal Civil Service, has reported from Bombay his return from furlough on the 15th instant.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Military.

No. 372.

Fort William, the 19th December 1865.

The following arrangements in the Central India Horse are sanctioned by the Governor General in Council :—

Lieutenant A. Bannerman, Adjutant, 2nd Regiment, and Officiating Adjutant, 1st Regiment, is transferred to the latter Corps and confirmed in the Adjutancy.

Lieutenant C. B. Horsbrugh, Officiating 3rd Squadron Officer and Adjutant, 2nd Regiment, is confirmed in the latter appointment, vice Lieutenant Bannerman.

Lieutenant E. E. Gibson, Doing-duty Officer and Officiating 3rd Squadron Officer, is transferred to the 2nd Corps as Doing-duty Officer and Officiating 3rd Squadron Officer, vice Lieutenant Horsbrugh.

Lieutenant J. Miller, Officiating 2nd Squadron Officer, to be Doing-duty Officer and to officiate as 3rd Squadron Officer, vice Lieutenant Gibson.

Lieutenant G. Peart, 3rd Squadron Officer, to officiate as 2nd Squadron Officer during Captain Luard's employment on boundary duty, or until further orders.

Political.

No. 1085.

The 22nd December 1865.

The Viceroy and Governor General in Council, bearing in mind the loyal services on various occasions of Rajah Jye Mungul Sing Bahadoor, of Gedhore, in Zillah Monghyr, has been pleased, in acknowledgment of his many acts of public liberality, to confer on him, as a personal distinction, the title of Maharajah.

General.

No. 2399.

The 19th December 1865.

Pundit Rai Kishen Narain, Extra Assistant Commissioner of Jubbulpore, has obtained six months' leave of absence on medical certificate in extension of that granted to him in General Order No. 1557, dated 13th December 1864.

No. 2401.

Oulad Hossain, Deputy Collector of Settlement, Dumoh, in the Central Provinces, has obtained privilege leave of absence for one month, from the date on which he may avail himself of it.

No. 2403.

Mr. W. Knighton, Assistant Commissioner of Gonda, in Oudh, is granted privilege leave of absence for one month, from the 1st proximo, or from the date on which he may avail himself of it.

No. 2417.

Mr. J. S. Campbell, Judicial Commiss[illegible] Central Provinces, is granted privilege lea[illegible] absence for three months, from the 10th M[illegible] 1866, or from the date on which he may [illegible] himself of it.

Mr. R. E. Egerton, Commissioner of the [illegible] pore Division, to officiate as Judicial Co[illegible] sioner, Central Provinces.

Mr. A. C. Lyall, Deputy Commissioner of [illegible] shungabad, to officiate as Commissioner o[illegible] Nagpore Division.

No. 2419.

The under-mentioned Officers of the B[illegible] Burmah Commission have passed the exam[illegible] tion prescribed for Junior Officers of that C[illegible] mission :—

For the Higher Standard.

Lieutenant W. G. Hughes, Assistant Co[illegible] sioner, 2nd Grade.

For the Lower Standard.

Captain A. R. McMahon, Officiating Deputy [illegible] missioner, 4th Grade.

Lieutenant H. R. Spearman, Assistant Co[illegible] sioner, 3rd Grade.

Mr. T. W. Hunt, Extra Assistant Commissi[illegible] 1st Class, 1st Grade.

Mr. E. Richardson, Extra Assistant Commissi[illegible] 1st Class, 2nd Grade.

W. Muir,
Secy. to the Govt. of Indi[illegible]

FINANCIAL DEPARTMENT.

No. 3588.

Fort William, the 20th December 1865.

Notifications.

In continuation of Notification No. 3241 [illegible] dated the 30th ultimo, the following Statement [illegible] of Cash Balances, as reported up to this date in [illegible] the Government Treasuries in India, at the clos[illegible] of the month of October last, contrasted with tha[illegible] of the previous years, is published for general [illegible] formation :—

	1863.	1864.	1865.
	Rs.	Rs.	Rs.
Govt. of India ...	3,17,24,892	1,64,05,006	2,02,54[illegible]
Bengal	2,09,67,147	1,58,05,878	1,21,86,242
British Burmah			32,69,456
N. W. Provinces	2,26,20,664	1,45,74,415	1,47,89,933
Oudh ...			46,87,356
Punjab	89,10,073	1,14,00,281	1,07,74,621
Bombay	1,81,57,689	1,76,17,091	1,76,24,069
Central Provinces...	39,50,182	36,33,703	40,87,020
Deccan	22,67,579	16,41,541	21,30,814
Madras	2,33,96,670	1,80,31,750	1,27,74,268
Total ...	13,19,94,896	9,91,09,665	10,25,78,250

No. 3590.

[illegible] E. S. Byrne to be Deputy Accountant [illegible]al, Hyderabad.

No. 3622.

The 22nd December 1865.

[illegible] Governor General in Council is pleased to [illegible] the publication in the *Gazette of India* of [illegible]llowing Despatch from the Right Hon'ble [illegible]ecretary of State for India :—

[illegible]NCIAL. India Office;
[illegible] 255. *London, 8th November* 1865.

[illegible] Excellency the Right Hon'ble the Governor General of India in Council.

[illegible] I have considered in Council your Financial [illegible] dated the 12th August 1865, No. 135, [illegible]ding a Memorial from the principal Un[illegible]nted Officers at Calcutta, praying for [illegible] modifications in the rules relative to leave [illegible]ence and pensions on retirement.

[illegible] The Memorialists submit the following spe[illegible]quests :—

[illegible] I. That the rule allowing privilege leave to accumulate up to a limit of three months, be restored."

[illegible] II. That the option of the old or the new [illegible] be allowed to reckon towards pension, up to a limit of two years in a service of 25 years."

[illegible] V. That a graduated scale of pensions be allowed."

3. The first request, that privilege leave be [illegible]llowed to accumulate to a limit of three months, [illegible] recommended by your Government, on the [illegible]round that few European Officers can get any [illegible]nge of climate likely to benefit them during [illegible] space of a month, and that Natives of the [illegible]ntry, whose homes are remote from Railway [illegible]unication, cannot visit their friends and [illegible]n to duty within that period.

[illegible] As you have recommended that the grant [illegible]cumulative leave should be allowed, when it can [illegible] given without inconvenience to the public ser[illegible]ice, I will not refuse to sanction that concession.

5. In requesting to be granted the option of the old or new rules, the Memorialists refer particularly to the maximum amount of pension. They state that "under the old rules, Uncovenanted Servants were permitted to retire with medical certificate on one-third pay, after 20 years' service, and on half pay after 30 years' service, and without medical certificate on half pay after 35 years' service, the pension in all these cases being calculated on the average salary received during the last five years of service. The amount of pension was not restricted in the case of individuals who entered the service prior to 19th May 1855, but as regards those who entered subsequently, the amount was limited to a maximum of £500 a year."

6. This subject was brought before me in a Memorial from certain Uncovenanted Officers at

your Presidency, forwarded with your Financial letter dated the 13th October 1863, No. 127. In transmitting that Memorial, you stated that the Uncovenanted Service could not claim any right under the rules of 1831 beyond what could be considered to arise out of "the general pledge which those rules may be taken to give, that a member of that service, when rendered incapable of further duty, shall not be discharged without some pensionary support. As regards the amount of pension to be given, the rules merely fix a limit which is not to be exceeded, and although it has, with rare exceptions, been the practice to allow the highest pension of which the rules allow, this practice connot be admitted to confer on the Uncovenanted Service any right to claim that maximum in all cases, without any regard whatever to the original design and scope of the rules."

7. The Memorial was fully considered by the Home Government, and in reply you were informed, in my Financial Despatch dated the 9th February 1864, No. 20, "that Uncovenanted Servants appointed prior to 19th May 1855, whose average salary during the last five years of their service shall have exceeded Rs. 10,000 per annum, and also those who were promoted, prior to the 6th August 1862, (the date of the letter from the Government of India relative to the limitation of pensions to Uncovenanted Servants,) to offices to [illegible] Rs. 10,000 per annum are [illegible] of the retiring servant, and to be limited to an amount consistent with a due regard to the public interests. In regard to Uncovenanted Servants who have rendered approved services of only an ordinary character, the pension must in no case exceed £500 per annum." What the Memorialists desire, therefore, is not only the option of the old or new rules, but the option of the old rules according to their interpretation of them. I must decline to accede to this request.

8. The third and fourth requests are, that service may be allowed to count from the age of 20, and that periods of absence on sick leave may be allowed to reckon towards pension up to a limit of two years in a service of 25 years. You recommend that the first of those requests should be acceded to, and that the second should be complied with to the extent of one year, as allowed to the Covenanted Service.

9. I must, however, observe that the Uncovenanted Rules were framed to apply equally to Europeans and Natives of India. The latter usually enter the Government employ at an earlier age than Europeans, and in order to render the rules justly applicable to both, it was considered necessary, when reducing the period of service for pension, to fix an age from which the service should be allowed to reckon.

10. The period of service qualifying for pension was accordingly reduced, as specified in the margin, the commencement of service to count from the age of 22, but all leaves of absence on medical certificate or private affairs, except privilege leave, were to be excluded.

On Medical Certificate.	*Old Rules.*	*New Rules.*
For a pension not exceeding one-third salary ...	20	15 Limited to Rs. 3,000 per annum.
One-half ...	30	25 Limited to Rs. 5,000 per annum.
Without Medical Certificate.		
One-half ...	35	30 Ditto ditto.

11. In order to provide for any case in which the effect of the new rules would render it necessary for an Officer, in order to obtain a pension, to serve for a longer period than was required by the old rules, I have already, by Financial Despatch dated the 18th January 1865, authorized the grant of a pension under the the old rules, provided that the applicant had not availed himself of the benefit of the new leave regulations, I cannot consent to any further modifications in this request, or to allow periods of absence other than those mentioned in Clause 12 of the Rules, to count for pension.

12. The proposition that a graduated scale of pensions should be allowed, is inadmissible. The principle on which a limit has been fixed is, that a pension of the full amount allowed is only to be granted as the reward of extraordinary merit. In ordinary cases such a pension within that limit is to be granted as the circumstances of each case may appear to require.

13. There is always some difficulty in acting strictly in accordance with that principle, and it would obviously be greatly increased if a graduated scale were sanctioned, as proposed by the Memorialists. I cannot therefore accede to this request.

I have, &c.,

(Signed) C. Wood.

No. 3640.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Returns.	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Gold Coin Reserve.	Silver Bullion Reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1865.							
Dec. 2nd	Calcutta Circle ...	3,13,89,810	1,02,86,131	...	48,00,000	1,54,70,019	8,33,660
" "	Allahabad Branch ditto ...	34,03,700	22,99,699	710	...	11,03,291	...
" "	Lahore ditto ditto ...	45,63,350	38,63,313	...	...	7,00,037	...
" "	Nagpore ditto ditto ...	21,14,710	15,66,829	...	...	5,47,881	...
" "	Madras Circle ...	57,00,000	18,68,785	...	6,50,000	30,02,845	1,78,370
" "	Calicut Branch ditto ...	4,67,880	3,67,821	...	...	1,00,059	...
" "	Trichinopoly ditto ditto ...	4,46,930	3,46,871	...	...	1,00,059	...
" "	Vizagapatam ditto ditto ...	3,94,160	2,94,101	...	...	1,00,059	...
" "	Bombay Circle ...	2,98,75,000	51,51,718	6,00,000	41,70,000	1,86,78,282	12,75,000
" "	Kurrachee Branch ditto ...	22,71,530	22,71,530	...	...	...	...
		8,06,27,070	2,83,16,798	6,00,710	96,20,000	3,98,02,532	22,87,030
	Deduct Notes of other Circles cashed at Calcutta, Madras, and Bombay.	22,87,030					
	Total ...	7,83,40,040	2,83,16,798	6,00,710	96,20,000	3,98,02,532	22,87,030

(Signed) H. HYDE,
Head Commissioner, Department of Issue of Paper Currency.

DEPARTMENT OF ISSUE OF PAPER CURRENCY,
CALCUTTA,
Dated 8th December 1865.

No. 3647.

Mr. C. E. Chapman assumed charge of the Office of Deputy Accountant General, Bombay, on the 15th instant.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 16th December 1865.

No. 1163 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Captain Joseph Reay, of the late 63rd Regiment Native Infantry. — For 3 years, under the old Regulations.

The 18th December 1865.

No. 1164 *of* 1865.—The leave of absence for fifteen days on private affairs granted to Lieutenant Colonel S. H. Becher, of the Bengal Staff Corps, employed on special duty in the Account Branch of the Military Department, in Government General Order No. 1023 of the 9th ultimo, is to be held to have had effect from the 24th November 1865, instead of from the date previously notified.

No. 1165 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Major Adrian Hugh Paterson, of the Bengal Staff Corps, Deputy Inspector General of Police, Lower Provinces. — For 20 months.

No. 1166 *of* 1865.—The under-mentioned Soldier of Her Majesty's service is permitted to reside and draw his pay in India as an out-pen-

sioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension :—

Gunner James Hennessey, of C. Battery, C. Brigade, Royal Horse Artillery.

No. 1167 *of* 1865.—The under-mentioned out-pensioner of the Royal Hospital at Chelsea having been permitted to reside and draw his stipend in India, payment of pension is to be made and charged accordingly :—

	Rate of pension per diem.
Trumpeter George Duckworth, late of the Horse Brigade, Royal Artillery.	6*d.* (six pence) for 6 months, from the date on which he ceases to receive Regimental pay.

The 19*th December* 1865.

No. 1168 *of* 1865.—The following extracts from the London Gazettes of the 20th and 24th October 1865, are published for general information :—

WAR OFFICE, *Pall Mall,* 20*th October* 1865.

Lieutenant Isaac James Corcoran, Veteran Establishment, Bengal, to have the honorary rank of Captain, dated 20th October 1865.

Lieutenant William Kelly, Veteran Establishment, Bengal, to have the honorary rank of Captain, dated 20th October 1865.

Deputy Assistant Commissary J. Brown, Madras Commissariat Department, to have the honorary rank of Lieutenant, dated 20th October 1865.

Deputy Assistant Commissary Charles Hexton, Bombay, to have the honorary rank of Lieutenant, dated 20th October 1865.

INDIA OFFICE, 24*th October* 1865.

Her Majesty has been pleased to approve of the following promotions, alterations of rank, and resignations, amongst the Officers of Her Majesty's Indian Military Forces, and in the Staff Corps :—

Brevet.

The under-mentioned Officer having completed five years' service as Captain and Brevet Lieutenant Colonel, and as Major and Brevet Lieutenant Colonel, to be Colonel in the Army, under operation of Clause 8 of the Royal Warrant of 31st January 1859 :—

Major and Brevet Lieutenant Colonel Henry Daly, C. B., Bombay Staff Corps, dated 19th July 1864.

Major John Augustus Wood, V. C., Bombay Staff Corps, to be Lieutenant Colonel ; Captain Thomas Sweet, Madras Infantry, to be Major, in succession to Lieutenant General H. Ross, Madras Infantry, deceased, dated 25th June 1864.

Major Octavius Hamilton, Bengal Staff Corps, to be Lieutenant Colonel ; Captain William Clarke Francis Gosling, Royal (Madras) Artillery, to be Major, in succession to Lieutenant General Dun, Madras Infantry, deceased, dated 16th August 1864.

Major Octavius Edward Rothney, Bengal Staff Corps, to be Lieutenant Colonel ; Captain Charles Douglas Waddell, Royal (Madras) Artillery, to be Major, in succession to Lieutenant General G. Sandys, Madras Cavalry, deceased, dated 21st October 1864.

Major William Joseph FitzMaurice Stafford, Bengal Staff Corps, to be Lieutenant Colonel ; Captain Alexander Stewart, Royal (Madras) Artillery, to be Major, in succession to Lieutenant General M. C. Paul, Bengal Infantry, deceased, dated 8th January 1865.

Major Charles Terrington Aitchison, Bombay Staff Corps, to be Lieutenant Colonel ; Captain Robert Caulfield, Madras Cavalry, to be Major, in succession to Lieutenant General R. Powney, Bengal Artillery, deceased, dated 24th January 1865.

BENGAL ARMY.

To be Lieutenant Colonels.

Major Evelyn Bradford, late 23rd Native Infantry, dated 11th June 1865.

Major John Nisbett, late 69th Native Infantry, dated 12th June 1865.

Major William Graydon, late 16th Native Infantry, dated 12th June 1865.

Major Edwin Thomas, late 3rd European Regiment, dated 12th June 1865.

To be Majors.

Captain John Ruggles, late 41st Native Infantry, dated 13th June 1865.

Captain Etienne St. George, late 1st European Regiment, dated 14th June 1865.

Captain William Nassau Lees, L. L. D., late 42nd Native Infantry, dated 14th June 1865.

Captain Charles Baily, late 17th Native Infantry, dated 14th June 1865.

To be Captains.

Lieutenant Spencer Grant Warde, late 11th Native Infantry, dated 12th June 1865.

Lieutenant James Stevenson, late 33rd Native Infantry, dated 18th June 1865.

BENGAL STAFF CORPS.

To be Lieutenant Colonels.

Major William Fullerton, dated 26th March 1865.

Major Charles Holroyd, dated 11th June 1865.

Major Nathaniel Robert Sneyd, dated 11th June 1865.

Major Andrew Hunter, dated 11th June 1865.

Major Richard Charles Germon, dated 12th June 1865.

Major (Brevet Lieutenant Colonel) Charles James Robarts, dated 12th June 1865.

To be Majors.

Captain (Brevet Major) Edmund Henry Cullen Wintle, dated 31st December 1864.

Captain (Brevet Major) Alfred Le Gallais, dated 3rd April 1865.

Captain Arthur Gore Priestley, dated 1st May 1865.

Captain (Brevet Major) John Guyse Sparke, dated 1st June 1865.

Captain (Brevet Major) James Thomas Norgate, dated 1st June 1865.

Captain Christopher James Godby, dated 13th June 1865.

Captain James Spence Ogilvie, dated 13th June 1865.

Captain Nicolai William Elphinstone, dated 14th June 1865.

Captain (Brevet Major) Henry Francis Maxwell Boisragon, dated 14th June 1865.

Captain James Kempt Cowper, dated 14th June 1865.

Captain James Sykes, dated 14th June 1865.

Captain William Nembhard, dated 14th June 1865.

Captain John Beresford Smyly, dated 14th June 1865.

To be Captains.

Lieutenant (Brevet Captain) George Bowen Jassan Simpson, dated 19th February 1865.

Lieutenant Richard James Walker, dated 11th June 1865.

Lieutenant Henry Lumsden Hawkins, dated 11th June 1865.

Lieutenant Philip Crampton Rynd, dated 11th June 1865.

Lieutenant Eric Stanhope Fox, dated 11th June 1865.

BENGAL ARMY.

PROMOTIONS.

Infantry.

Lieutenant Colonel (Major General) John Edmondstone Landers, to be Colonel, vice Andrée, deceased, dated 28th March 1865.

Major (Brevet Lieutenant Colonel) David Scott Dodgson, from late 30th Native Infantry, to be Lieutenant Colonel, vice Nicoll (Staff Corps) removed from List of Lieutenant Colonels, dated 12th March 1865.

Major Folliott Walker Baugh, from late 26th Native Infantry, to be Lieutenant Colonel, vice Dalton (Staff Corps), removed from List of Colonels, dated 28th March 1865.

Late 3rd European Regiment.

Captain (Brevet Major) Edwin Thomas, to be Major; Lieutenant (Brevet Captain) Samuel Dewe White, to be Captain, in succession to Andrée, deceased, dated 28th March 1865.

Late 30th Native Infantry.

Captain (Brevet Major) William Dunn Bishop, to be Major, in succession to Nicoll (Staff Corps), removed from List of Lieutenant Colonels, dated 12th March 1865.

Late 34th Native Infantry.

Captain (Brevet Lieutenant Colonel) Peter Henry Knight Dewaal, to be Major; Lieutenant (Brevet Major) Francis Henry Hanmer, to be Captain, vice Walker, deceased, dated 12th March 1865.

Late 39th Native Infantry.

Captain (Brevet Lieutenant Colonel) Charles Jackson, to be Major, vice Thomas, deceased, dated 22nd March 1865.

ALTERATIONS OF RANK.

Infantry.

Lieutenant Colonel H. R. Shelton, to take rank from 24th January 1865.

Late 47th Native Infantry.

Captain W. Gordon, to take rank from 24th January 1865.

MEDICAL OFFICERS.

PROMOTIONS.

To be Surgeons Major.

Surgeon James Pattison Walker, M. D., dated 5th April 1865.

Surgeon Richard Southby Otto Thring, M. D., dated 20th April 1865.

Surgeon John Squire, dated 30th April 1865.

To be Surgeons.

Assistant Surgeon Robert Faure Hutchinson, M. D., dated 2nd April 1865.

Assistant Surgeon John Picthall, M. D., dated 15th April 1865.

Assistant Surgeon Alfred Godley Crewe, dated 3rd June 1865.

Alterations of Rank.

The under-mentioned Officers to take rank as follows:—

Surgeon Edward Taylor, from 11th July 1864.

Surgeon Henry William Spry, from 7th August 1864.

Surgeon Alfred James Dale, from 26th September 1864.

Surgeon Arthur Young, from 4th October 1864.

Surgeon George Barnard, from 28th January 1865.

Resignation.

Lieutenant John Williams Grant, late 42nd Bengal Native Infantry.

No. 1169 *of* 1865.—Lieutenant T. H. T. Drake, of the General List, Infantry, is allowed an extension of leave from the 23rd November to the 4th December 1865, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1170 *of* 1865.—Lieutenant Colonel H. Lewis, Deputy Inspector General of Ordnance, is allowed leave of absence from such date as he may be relieved from his duties to the 23rd February 1866, to visit the Presidency, preparatory to applying for leave of absence on sick certificate to Europe, under the new Regulations.

The 20th December 1865.

No. 1171 *of* 1865.—With reference to Government General Order No. 1170 of this date, the following temporary promotions are made in the Commissioned grades of the Ordnance Commissariat Department:—

Ordnance Commissariat Department.

Major W. C. Russell, 1st Class Commissary, to officiate as Deputy Inspector General of Ordnance and Magazines. Captain J. Stewart, 2nd Class Commissary, to officiate as 1st Class Commissary of Ordnance. Captain C. Hunter, 3rd Class Commissary, to officiate as 2nd Class Commissary of Ordnance.	From the date on which Lieutenant Colonel Lewis, Deputy Inspector General of Ordnance, may be relieved of his duties.

No. 1172 *of* 1865.—The services of Lieutenant J. E. Alexander, of the Royal Artillery, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department.

No. 1173 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
10th Regt. Bengal Cavalry.	Jemadar Kaisur Singh ...	Ressaidar ...	22nd Oct. 1865	Mahmood Ali Shah, resigned
42nd Regt. Assami) Native Light Infantry.	Subadar Bahadoor	Appointed Subadar Major	6th " "	Lall Mohun, invalided.

No. 1174 *of* 1865.—Lieutenant Henry Utterton Smith, of the late 46th Regiment Native Infantry, is permitted to resign the service, with effect from the 15th October 1865, subject to Her Majesty's approval.

No. 1175 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Captain R. Topham, of the Bengal Staff Corps, Commandant, 16th Bengal Cavalry, on leave for fifteen months, Government General Order No. 707 of the 19th July 1865.	"Simla," 24th July 1865.
Captain (Brevet Major) S. D. White, of the late 3rd European Regiment, on leave for eighteen months, Government General Order No. 1100 of the 27th November 1865.	"Blenheim," 12th December 1865.
Lieutenant F. Coddington, Bengal Staff Corps, Revenue Survey Department, on leave for twenty months, Government General Order No. 1122 of the 4th December 1865.	"Simla," 10th December 1865.

No. 1176 *of* 1865.—The services of Lieutenant C. A. Baylay, of the Royal Artillery, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department.

The 21st December 1865.

No. 1177 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Captain (Brevet Major) Charles Andrews, of the late 72nd Regiment Native Infantry.	For 2 years, under the new Regulations.

No. 1178 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Henry George Bacher, of the late 73rd Regiment Native Infantry, Quarter Master, 11th Regiment Native Infantry.	For 15 months, under the new Regulations.

No. 1179 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Surgeon Major C. R. Francis, M. B., Officiating Examiner of Accounts connected with the Medical Department in Bengal, is permanently appointed to that situation.

Surgeon Major C. L. Cox, A. B. and F. R. C. S., to officiate as Examiner of Accounts connected with the Medical Department in Bengal, during the period Dr. Francis may officiate as Principal of the Medical College, or until further orders.

The 22nd December 1865.

No. 1180 *of* 1865.—ERRATA.—In Government General Order No. 166, dated 14th February 1865, admitting certain men to the Order of Merit,—

For	*Read*
Havildar Nizam-ul-Din,	Havildar Nizamdeen.
Sepoy Khwaja Nur,	Sepoy Khwajah Noor.
Sepoy Tawakul,	Sepoy Towukkul.
Naik Jamiat Sing,	Naik Jumayet Sing.
Sepoy Siridal,	Sepoy Sirilal.
Sepoy Safeer,	Sepoy Suffeer.

Order Books to be corrected accordingly.

No. 1181 *of* 1865.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the dates specified opposite to their respective names, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant George Young, of the late 66th Regiment Native Infantay, Quarter Master, 1st Goorkha Regiment (Light Infantry).	28th Oct. 1865.
Cornet William Alexander Lawrence, of Her Majesty's 21st Hussars, Adjutant of the Governor General's Body Guard.	20th Dec. 1864.

No. 1182 *of* 1865.—Cornet William Alexander Lawrence, of Her Majesty's 21st Hussars, admitted to the Bengal Staff Corps in Government General Order No. 1181 of this date, will rank as Lieutenant in that Corps, under the operation of paragraph 84 of Government General Order No. 332 of the 10th April 1861, with effect from the 20th December 1864, subject to Her Majesty's approval.

No. 1183 *of* 1865.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Bombay.
Surgeon Major Charles Archer, M. D., Medical Department.	30th November 1865.

	Date of arrival at Fort William.
Major C. St. G. Brownlow, Staff Corps. Captain (Brevet Major) J. J. H. Gordon, Staff Corps, Commandant, 29th Native Infy. Captain (Brevet Major) E. Thompson, late 4th European Regiment. Captain W. S. Young, late 59th Native Infantry. Lieutenant (Brevet Captain) R. Smith, late 59th Native Infantry. Lieutenant H. Rowband, late 63rd Native Infantry, Quarter Master, 9th Native Infantry. Lieutenant M. W. Gataker, Staff Corps, Adjutant, 40th Native Infantry.	14th December 1865.

No. 1184 *of* 1865.—The A. B. and C. Batteries of the A. Brigade Royal Horse Artillery, arrived in the Steam Ship "Hydaspes," are brought on the Establishment of the Bengal Presidency from date of landing.

No. 1185 *of* 1865.—Her Majesty has been pleased to appoint the under-mentioned gentlemen to be an Assistant Surgeon in Her Majesty's Indian Military Forces at the Presidency of Bengal.

He is accordingly admitted into the service.

MEDICAL DEPARTMENT.

	Date of arrival at Fort William.
Mr. Robert Reid ...	14th Dec. 1865.

No. 1186 *of* 1865.—The under-mentioned Officers having completed 26 years' service, eight years of which were on permanent Staff employ, to be Lieutenant Colonels, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Major W. R. Eliott ... „ T. Rattray ...	10th Dec. 1865.
„ J. M. Cripps .. „ J. W. Bristow ...	11th Dec. 1865.

No. 1187 *of* 1865.—The under-mentioned Officers having completed twenty years' service, six years of which were on permanent Staff employ, to be Majors, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval.

Bengal Staff Corps.

Captain A. K. Comber ... „ J. Barn ... „ J. D. Swayne ... „ J. E. Wood ... „ C. M. Longmore ... „ F. A. Dickins ...	12th Dec. 1865.
„ T. F. Forster ... „ F. C. Anderson ... „ M. Hunter ...	13th Dec. 1865.
„ (Brevet Major) W. D. Hoste,	14th Dec. 1865
„ „ T. B. Harrison,	20th Dec. 1865.

No. 1188 *of* 1865.—The under-mentioned Officers having completed twelve years' service, four years of which were on permanent Staff employ, to be Captains, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Lieut. W. L. P. Drummond ... „ H. N. Noble ...	9th Dec. 1865.
„ W. R. M. Holroyd ...	10th „ „
„ R. G. Armstrong ...	14th „ „
„ C. S. Maclean ...	14th „ „
„ H. C. P. Rice ... „ R. D. Osborn ...	20th „ „

No. 1189 *of* 1865.—The following promotions are made, subject to Her Majesty's approval:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Cadre of the late 51st Native Infantry.	Lieutenant (Captain in Staff Corps) George Cadogan Thomson ...	Captain ...	23rd Nov. 1865	Captain (Major in Staff Corps) T. C. Darnell, retired.
Cadre of the late 12th Native Infantry.	Lieutenant Frederick Donnelly Harrington ...	Captain ...	30th Nov. „	Captain A. G. Remington, resigned.

No. 1190 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following promotion in the Medical Department:—

Deputy Inspector General of Hospitals A. H. Cheke with temporary rank to be a Deputy Inspector General of Hospitals, vice Deputy Inspector General of Hospitals G. Harper, retired.

H. W. NORMAN, *Colonel,*

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 437.

Fort William, the 16th December 1865.

NOTIFICATIONS.

Gunner W. H. Nicoll, R. A., Overseer, 1st Grade, Oudh, is removed from the Public Works Department.

No. 438.

The 18th December 1865.

Mr. Charles William Odling, Probationary Assistant Engineer under covenant with the Secretary of State for India in Council, is brought on the effective strength of the Public Works Department, with effect from the 20th October 1865, and is posted to Bengal.

Mr. Odling will be graded as an Assistant Engineer 3rd Grade, from the date he joins the Division to which he may be attached.

No. 439.

The 19th December 1865.

Mr. Adolf Ruckstuhl is appointed to the Public Works Department, as a Supervisor of the 2nd Grade, on probation, and is posted to British Burmah, for employment in Port Blair.

No. 440.

The 20th December 1865.

Lieutenant P. Montgomerie, R. E., Executive Engineer, 4th Grade, Eastern Road Division, Central Provinces, was granted one month's preparatory leave, on the 31st August last, to proceed to Bombay, to appear before a Medical Board.

No. 441.

The under-mentioned passed Military Students of the Thomason Civil Engineering College are brought on the strength of the Upper Subordinate Establishment of the Public Works Department as Overseers of the 1st Grade, on probation, and posted as follows :—

To Bengal.

Tait, Sapper W. R., R. E.
Jones, W., Corporal, R. A.
Murphy J., 2nd Corporal, Sappers and Miners.
Davis J., Private, 1st Battalion, 19th Regiment.

To North-Western Provinces.

Egan, 2nd Corporal H., R. E.
Tate, 2nd Corporal A., R. E.
Walker, 2nd Corporal R., R. E.
Lemon, 2nd Corporal R., R. E.
Dadson, Sapper A., R. E.

To Punjab.

Mill, Sergeant W. H., R. E.
Troup, 2nd Corporal J., R. E.
Algar, Sapper A., R. E.
Kelly, 2nd Corporal J., R. E.

To Oudh.

Seaward, Sapper M., R. E.

To Central Provinces.

Treadaway, Corporal G., R. E.
Cockburn, Corporal J., R. E.

To British Burmah.

Imrie, 2nd Corporal D. B., R. E.
Miller, 2nd Corporal R., R. E.
Jamieson, Sapper W., R. E.

No. 442.

The 21st December 1865.

Captain C. J. Mead, Executive Engineer, 1st Grade, is transferred from Bengal to the Central Provinces.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTIFICATION.

With reference to the Comptroller General's Notification in the *Gazette of India* dated the 21st October last, regarding the transfer of the management of the public debt to the Bank of Bengal, all Officers in charge of Treasuries are informed that Interest Registers and Statements hitherto forwarded to the Loan Branch of this Office should be transmitted to the Bank of Bengal.

2. Government Promissory Notes carrying back interest will not be received for renewal by the Bank; Treasury Officers will therefore be careful to see that all interest *due* on Notes intended for renewal, sub-division, or consolidation, is drawn by the Proprietors or their constituted Agents previous to despatch of the Notes to Calcutta.

E. F. HARRISON,
Offg. Comptroller General of Accounts.

FORT WILLIAM ;
LOAN OFFICE,
The 19th December 1865.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees			97,170
Lahore	"	"	5,26,060
Nagpore	"	"	22,330

(Sd.) H. HYDE,
Head Commissioner.

16th December 1865.

NOTICE.

Notice is hereby given that Monday, the 1st January 1866, being New Year's-Day, will be observed as a close holiday at the Bank of Bengal and General Treasury, in conformity with Government Notification No. 64 of 16th April 1862.

By order of the Directors,
GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL;
CALCUTTA,
19th December 1865.

LOST.

In transit between Jubbulpore and Calcutta, on the 3rd October 1865, the 1st halves of the following Government Currency Notes of Central Provinces :—

Particulars.

1 Note No	25558	Rs.	500	Brought over,		Rs.	2,600
1 „	25559	„	500	1 Note No	43213	„	50
1 „	25561	„	500	1 „	43214	„	50
1 „	71301	„	100	1 „	43215	„	50
1 „	71302	„	100	1 „	60762	„	20
1 „	71328	„	100	1 „	63521	„	20
1 „	71311	„	100	1 „	70104	„	20
1 „	71434	„	100	1 „	70105	„	20
1 „	78857	„	100	1 „	70109	„	20
1 „	78858	„	100	1 „	74012	„	20
1 „	78859	„	100	1 „	74013	„	20
1 „	95205	„	100	1 „	45147	„	10
1 „	30580	„	50	1 „	45998	„	10
1 „	30845	„	50	1 „	46610	„	10
1 „	31101	„	50	1 „	49939	„	10
1 „	31662	„	50	1 „	60101	„	10
Carried over,			2,600	Total,			2,940

The Public as well as the Treasury Officers are warned against cashing any of the above Notes.

BUNSEELOLL ABEER CHUND,
Rae Bahadoor.

KAMPTEE,
2nd December 1865.

LOST.

The undersigned hereby notifies for general information that a Government Promissory Note No. 40718 of 4 per cent. Loan of 1854-55, dated 30th June 1854, standing in her name, for Rs. 15,000, was, on the night of the 10th instant, lost on the road to Pooducottah, near Nellore, in the Madras Presidency. The community in general are hereby prohibited from receiving the same. An application for the issue of duplicate has been made to the proper Authorities.

अंबुबाई
AMBOOBOYEE.

TRICHINOPOLY,
21st January 1865.

WANTED.

A 2nd Clerk for the Gya Collectorate, on a salary of Rs. 60 per mensem. He must be acquainted with English and Oordoo, and be able to translate.

Applications to be addressed, post paid, accompanied by testimonials.

H. KEAN,
In charge.

GYA COLLECTORATE,
The 21st November 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Applications, with copies of testimonials as to character and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

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No. 36.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 23, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 15th December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble G. Noble Taylor.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

PARTNERSHIP LAW AMENDMENT BILL.

The Hon'ble MR. MAINE introduced the Bill to amend the Law of Partnership in India, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said, "When the Council gave me leave to introduce this Bill, I stated the grounds on which it appeared to me defensible in principle, and as the question is almost wholly one of principle, I have little to add now that I introduce the measure. I have, however, one observation to make. In the discussions which I have read or heard on the Bill, I perceive that it has become common to call the relation established between the borrower and the lender, who is remunerated according to the rate of profit, a Commanditarian Partnership. And there is some convenience in so styling it, because we have not at present any compendious phrase expressing the relation. There are, however, some disadvantages attending such a description. In the first place, it tends to give a false idea of the Bill. This is not a Bill for legalizing Commanditarian Partnership. Commanditarian Partnership is a purely French institution, founded on a system of rules, which perhaps may be better than the old law of England, but which appear to me, from their minuteness, to be very difficult to work out among Englishmen. It is founded, moreover, on distinctions between classes of associations and between forms of liability, which are unknown to English law and English commercial usage. In the next place, the phrase seems to carry with it an admission that there is some natural or necessary connection between a partnership and a loan of the sort contemplated by the measure. Now the whole argument for the Bill proceeds on a denial of that proposition. We say that there is no natural or necessary connection between a partnership and a loan dependent for its rate of interest upon the profits of the business. We say that such a loan never ought to have constituted the lender a partner; and we say, moreover, that it never would have done so but for the legal fiction which Lord Mansfield was accidentally led to invent for a temporary purpose. I cannot help thinking that all the proposals one hears for limiting the operation of this measure spring from a lingering notion, that there is something in a loan remunerated out of profits which naturally makes the lender a partner. I should greatly prefer the terms "Commanditarian Lender" and "Commanditarian

Loan," to "Commanditarian Partner" and "Commanditarian Partnership."

As to matters of detail, the Bill departs in two points only from the English measure. The first is not important. The explanation added to Section 1 is not placed there because the proposition contained in it is not a legitimate inference from the proposition contained in the Section itself, nor because a Court of Justice would not be sure to draw that inference, but because the case is one which happens to be particularly interesting to the Indian mercantile community, and because it is important that our legislation should be readily intelligible, not only by lawyers but by laymen who are concerned with it. The meaning is, that a person retiring from a partnership and severing his connection with his house of business is not to be construed to continue a partner because he leaves his capital in it, or, in other words, because, instead of taking his money out and then putting it back again, he is contented with a mere adjustment of accounts and with having his share of capital credited to him in the books of his old firm as a commanditarian loan. The second departure is more serious. I have omitted the Section of the English Act which in effect provides that in case of insolvency the commanditarian lender is to get nothing until all the other creditors have been paid sixteen annas in the rupee. Now this is a matter on which I have a strong opinion, though of course I am ready to waive it in deference to any arguments which may be urged to-day or in Committee, or by the Associations to which this Bill will be referred. I was in England when the Bill was discussed in Parliament, and I must confess a decided impression that the Member of Government in charge of the Bill, Sir Roundell Palmer, the present Attorney General, when he was called upon to defend the Section, was a little ashamed of it. The fact is, it was a concession to the adversaries of the measure; and, so far as that was its office, it may have been successful; for of course if you provide that when a crash comes the commanditarian lender is virtually to get nothing, there will be fewer commanditarian loans. Sir, in my Statement of Objects and Reasons, I said in general language that the Section was at variance with the spirit of the Bill; but the practical objection to it is this—and I beg the particular attention of my Hon'ble friends at the other end of the table to it, because until it is removed I do not see how the Section can be defended—you cannot prevent the commanditarain lender from having materials for conjecturing the state of the business in which his money is embarked. It is not a question of stipulating for a power of looking into the books or having accounts rendered. From the nature of the case his receipts and his income will vary with the profits, and he will therefore have some knowledge whether the business is being profitably conducted. Now, under ordinary circumstances there is no reason to suppose that he will be frightened by a few bad years; but see how this Section will work. You tell him that if insolvency does follow, he alone among the creditors is to get nothing from the wreck. Well, then, you increase the anxiety which he will feel through the temporary depression: in other words, the distinct tendency of the Section is to create in him a temptation to withdraw his loan sooner than he otherwise would; and thus a passing difficulty may be converted into absolute ruin. It is very possible that the Section may have been benevolently intended to operate in the interest of creditors; but I say that, taking creditors as a whole class, it is distinctly to their detriment, inasmuch as it tends to make them creditors of insolvent rather than of solvent firms.

The Hon'ble Mr. Cowie said, that of the general principle of this important measure he cordially approved. He believed that its practical working would benefit both the general public and the individual trader, and that, if it had become law twenty years ago, the extension of commerce would have been even more rapid and satisfactory than it already had been. He formed this opinion on the merits of the Bill irrespective of any consideration as to whether it followed the French law of Partnership or not, a point which he thought immaterial.

The omission of Section 5 of the English Statute was an important feature, which would no doubt give rise to discussion in Committee. He believed that an argument generally advanced for retaining this clause would be, that a commanditarian lender would naturally stipulate for access to the books and accounts of the firm, and, on seeing it drifting into insolvency, would secure his own funds to the detriment of other creditors. He must acknowledge that the Hon'ble Member, Mr. Maine, had just now very ingeniously turned this identical argument against those who would use it.

The details of the Bill would no doubt be fully discussed in Committee, to which he understood both Mr. Bullen and himself would be nominated.

The Hon'ble Mr. Bullen said that, whilst agreeing with what had fallen from his Hon'ble friend opposite (Mr. Cowie), there was another argument against the omission of a Section corresponding with the 5th Section of the English Statute, with which the Hon'ble mover of the Bill had himself supplied them, when asking leave at the last meeting to introduce the Bill to adapt to this country the English Companies' Act of 1862. The Hon'ble gentleman had then argued that, when a principle had been adopted by the more active and numerous commercial society of England, it might fairly be tried in the commercial society of this country, provided that no argument could be used against it, which might not have been urged in England and had not prevailed. Now, objections were taken to this Section when the measure was discussed in the House of Commons, but though there was a large majority of the Committee in favour of the general principle of the Bill, the mover of an amendment that this Section should be omitted did not venture to press it to a division. He (Mr. Bullen) thought the question of omitting this Section required great consideration, and he reserved to himself the right of moving at a future stage that it be inserted in the Bill.

The Hon'ble the Mahárája of Vizianagram said, that he concurred with the Hon'ble gentleman who had introduced the Bill, in all that he had said in its support.

To him it appeared that the provisions contemplated by it were admirably adapted to this country, as being in harmony with the system carried out by the Natives of India, among whom mercantile transactions to a great extent were entered into with the direct management of which they were not concerned.

In the absence of any positive law defining the extent to which those who embarked in such transactions might be liable, by the failure or ill success of a mercantile firm, or any other Joint Stock Association, consequent on want of skill or lack of honesty on the part of those to whose immediate care and conduct it had been entrusted, Native Capitalists, however desirous of investing their money so as to secure the largest returns, would not feel confident and come forward to support and engage in undertakings which might be very profitable and advantageous, but with the working of which they were not very familiar.

The Hon'ble Mr. Maine's Bill would effect all that might be desirable on this point.

The Hon'ble RÁJÁ SÁHIB DYAL BAHÁDUR said that, under the first Section of the Bill, a lender advancing money upon a contract that he was to receive a rate of interest varying with the profits, or a share of the profits arising from the trade or undertaking in support of which he had made the advance, was not thereby made a partner in the business, and was absolved from responsibility as such. To this principle he could not give his adhesion, as he considered that an advance made upon such terms constituted the lender a *de facto* partner and entailed on him all the responsibilities of that position.

The position, however, of a lender who made an advance upon a contract that he was to receive a certain fixed rate of yearly interest to be increased to a superior fixed rate as the business improved was different; and he, the Rájá thought, did not thereby either become a partner or render himself liable as such.

With reference to Section 2 of the Bill, he observed that, in India, agents were generally paid by a share of two, four, six or eight annas of the profits, in lieu of any other remuneration, and only received interest at the rate of six per cent. per annum for any funds they might advance in support of the business; they were, however, when so paid, held responsible in case of reverses, and should they be now exempted from such responsibility, mercantile interests would be injuriously affected.

He thought, however, such agents might be exempted from responsibility, if at the time of their appointment they gave due notice of such exemption in all places and countries where they proposed carrying on business or establishing branches of such business, and also to every owner of any portion of the capital of such business.

His Excellency the COMMANDER-IN-CHIEF said, that he was not aware that the principle of the Bill was likely to be opposed, but it appeared from what had dropped from the last speaker that such opposition was really to take effect from a quarter least expected. It was the more necessary, therefore, to take notice of this, as although the principle was not contested openly by the two Hon'ble gentlemen, it did appear that they were probably enemies in disguise, inasmuch as it seemed they were not prepared to carry that principle to its legitimate logical conclusion. The Hon'ble Rájá Sáhib Dyál was not aware that the Bill was especially designed to further the interests of that large Native population which he more especially represented, that is to say, that the object of the measure before the Council was more particularly directed for the assistance of the great number of small capitalists as distinguished from the large ones. He would quote the golden words of the great authority who had first made *commandite* partnership, as understood in France, popularly known in England—Mr. John Stuart Mill, the Hon'ble member for Westminster:—

"It is, above all, with reference to the improvement and elevation of the working classes that complete freedom in the conditions of partnership is indispensable. It is only by combining, that the small means of many can be on anything like an equality of advantage with the great fortunes of a few. The liberty of association is not important solely for its examples of success, but fully as much so for the sake of attempts which would not succeed, but by their failure would give instruction more impressive than can be afforded by anything short of actual experience. Every theory of social improvement, the worth of which is capable of being brought to an experimental test, should be permitted, and even encouraged, to submit itself to that test. From such experiments the aspiring among the working classes would derive lessons which they would be slow to learn from the teaching of persons supposed to have interests and prejudices adverse to their good; and would discover, at no cost to society, the limits of the practical worth of their ideas of social regeneration, as applicable to the present stage of human advancement."

This counsel was especially applicable to India and its people, which of all peoples in the world was one that relied on tradition and the habits of its forefathers, instead of appealing to the progress and science of the day to advance its own welfare. If, therefore, the Hon'ble mover should be the means of awaking them in a very important respect, and inducing them to withdraw their hoards from a state of useless idleness, and applying them to the great purposes of trade, he would deserve well indeed of India. His Excellency had had opportunities, lately, of watching the conduct of the population under all the excitement of trade in a strange crisis. The people of Bombay in their eagerness behaved very much as an European population would have done; but in the Mofussil, on the contrary, we beheld a different scene—people standing still, as it were, and not knowing how to act. Those who lived in the great Presidency Towns were apt to forget the difference of the population before their eyes, from that which lived in the Mofussil and depended altogether on traditional custom. He would therefore strenuously urge the importance of a measure which, besides its own particular object, would help to develope the Native intellect for the application of the hoards of the small capitalists to the purposes of trade.

His Excellency would now advert to the arguments of the Hon'ble Messrs. Bullen and Cowie. He would ask why, if we were convinced of the soundness of a principle, we should halt half way in its application; why should we convert a wholesome measure into one which would create a bastard partnership, for the real essence of this measure would cease to come into play if the commanditarian lender was to be frightened from the liability which it was proposed that he should incur? His Excellency was glad that Mr. Maine had drawn the distinction between the phrases commanditarian *partner* and commanditarian *lender*. There was no doubt that an erroneous impression regarding liability was conveyed by the former expression. In introducing a measure embodying a principle hitherto new and strange, it was especially desirable to be careful in the choice of terms. He therefore hoped that the expression "Commanditarian partner" would be set aside, and that of "Commanditarian lender" invariably substituted.

His Excellency took the object of the Bill to be this—to have co-operation of all classes for commercial purposes, without saddling them with the liability of partnership. It was therefore necessary not to allow the logic of the measure to be interfered with by a feeling which was the remnant of prejudice, following on the fifty years' opposition in England to the introduction of the limited liability principle.

The Hon'ble Mr. Muir said that, before giving his vote in favour of the motion, he wished to say a few words lest his silence should be construed into an entire approval of the Bill as it stood. He merely desired to hold himself free as to the course he should adopt at any future stage of the Bill, in reference to the question of commanditarian lenders being placed on the same footing as ordinary lenders, by the omission of the 5th Section of the English Statute. He confessed that, so far as the argument had yet gone, the balance appeared to him in favour of those who desired to retain that Section. It seemed to him that there was great weight in what had fallen from his Hon'ble friend Mr. Bullen, that by the admission of the Hon'ble mover himself, the Commercial Law of India should, *primâ facie*, be in entire accord with the Commercial Law of England. And on the merits of the question, it did not, at first sight, appear unreasonable to hold that those lenders who participated by rateable shares in the profits, had by the very fact of such participation a greater concern in the business, and consequently might be naturally and justly involved in a greater responsibility and risk, than the ordinary lender. In this view of the case, the ordinary lender might have just cause of complaint if, in the event of failure, the commanditarian lender were placed on precisely the same footing as himself in respect of the liquidation of his claim from the assets.

In saying so much he (Mr. Muir) wished simply to indicate his first impressions on the subject, and to leave himself at liberty to vote for the addition of the English Section 5, if after the further discussion of the point it should appear to him advisable.

The Hon'ble Mr. Maine—"Sir, the observations of His Excellency the Commander-in-Chief, to which I am sure the Council must have listened with much interest, relieve me from the necessity of troubling it with any lengthened reply. But I think I ought not to pass over the objections hinted at, rather than stated, by the Hon'ble Mr. Cowie and the Hon'ble Mr. Bullen. As regards the remarks which fell from the two Native Members, it will be observed that the statements of the Hon'ble Rájá Sáhib Dyál as to Native custom are neutralized by the contradictory statements of the Hon'ble Mahárájá of Vizianagram. One affirms that the Natives do, and the other that they do not, practise among themselves a system of commanditarian loan. Under these circumstances it is proper that I should mention the authority upon which I committed myself, a fortnight ago, to the position that the Bill is in harmony with Native usage. I have heard indirectly from the first Judge of the Calcutta Small Cause Court, Mr. Boulnois, who necessarily comes much into close contact with Native litigants and witnesses, that when a person who has lent money on commanditarian loan to a trader in the Mofussil, is brought into Court, nothing can exceed his astonishment and dismay at finding himself involved, through the English law which prevails here, in the unlimited liabilities of partnership. The balance of testimony appears therefore to me to be in favour of the view taken by the Hon'ble Mahárájá by my side. The Hon'ble Mr. Bullen answers me out of my own mouth by the argument that in commercial matters Indian law ought to follow English law, unless there is a special Indian reason to the contrary. But I do think there is a special Indian reason here. I do not believe that there are any great capitalists here, who are so well contented with their own position that they decline to consent to any alteration of the *status quo*; and who, at the same time, command so strong a following in Parliament that it is worth while conciliating them by a truncated Bill. A graver objection is that which the Hon'ble Mr. Cowie has described. I gather from him that some persons object to the omission of the English Section on the ground that the commanditarian lender has an advantage over other creditors in his knowledge of the state of the business, and that he may use that advantage to get himself paid in full by withdrawing his loan; and they think that he ought to be placed under a compensating disadvantage when insolvency occurs. The true question, however, is, not whether the commanditarian lender is in a better position than other creditors, but whether he is in a better position than other lenders. Now I deny that he is practically in a better position than other lenders, even if he uses his advantage to the utmost. Sir, it is a very rare thing under the present law for a house of business to become a borrower for the sake of increasing its capital. I might appeal to the experience of my two Hon'ble friends. I ask them whether they ever heard of such a case. When, then, does a firm ordinarily become a borrower? Scarcely ever except when it is in embarrassment and difficulty, which of course may be temporary, but which still exists. It goes to a Bank or Financial Association and requests accommodation and assistance, which is given on terms extremely advantageous to the lender. Is, then, the Bank which lends, under such circumstances, in any different position from a commanditarian lender as regards knowledge of the borrower's situation? Why, the very fact of asking for accommodation is notice of embarrassment. So that in that respect the commanditarian lender has no advantage over the lender under the present law. Moreover, he has no advantage in respect of his power of getting himself paid in full. For a Bank does not grant accommodation without requiring security; Government Paper or something equally valuable is deposited, and these securities the lender is entitled to hold against the other creditors. Every body knows that, in cases of insolvency, it is the secured creditors who exhaust the assets to the prejudice of the unsecured, and these secured creditors, in the great majority of instances, are lenders who have advanced money under the existing law. It follows that the commanditarian lender has no advantage over other lenders through any supposed privilege of recovering the whole of his loan. In point of fact he will ordinarily enjoy less advantage. For I suppose that, when a commanditarian loan is taken, the borrower will ordinarily stipulate that it shall not be withdrawn without reasonable notice, say a year or eighteen months. Such a stipulation will tend to prevent the commanditarian lender from escaping the insolvency, and instead of getting paid in full he will

only share with the other creditors. I can see, therefore, no shadow of reason for placing him under greater disadvantages than other lenders, by providing that under no circumstances, if his money is left in the firm when the insolvency occurs, is he to recover anything out of the assets. At the same time, to be perfectly candid, I do not pretend to deny that, through the general operation of this Bill, or, again, through the omission of this Section, the general creditors may, in individual cases of insolvency, get less than they would have got under the old law. But the Bill, particularly if this Section be omitted, promises to multiply commanditarian loans, and thus to add to the general stability and solidity of all houses of business. Even now, happily, creditors as an entire class are vastly oftener creditors of solvent than of insolvent firms, and this Bill tends to raise the whole level of solvency. Sir, it is too much the habit of legislatures—and particularly when they are under the guidance of lawyers—to sacrifice great ends to small ones; and I think we should be falling into that error if we directed our legislation less to solvency, which is the rule, than to insolvency, which is the rare exception, and if we sacrificed the great augmentation of stability and solidity which this measure will bring about to minute provisions for saving a little more in particular cases for the creditors of an occasionally insolvent firm. There is a story of an old Ship-Captain who said it was a shame to build iron ships, because, if they went to pieces, there would be so much less timber to cling to. The answer is, that iron ships are more easily and safely navigated than wooden ones, and therefore there would be fewer wrecks. Just so, if this Bill becomes law, the creditors of an insolvent may, here and there, get a little less than they do at present, but there will be fewer insolvencies. I believe that the measure is as distinctly in favour of creditors as a class as it is in favour of debtors."

The Hon'ble the LIEUTENANT-GOVERNOR said, that although the Hon'ble mover had replied, he hoped he might be permitted to say one or two words in support of the Bill. His Honour had heard a special Indian reason given for it—namely, the relief which it would afford to Mahomedan traders. It was very well known to the Council that Mahomedans were prohibited by their law from taking interest for a loan, but that they were not prohibited from sharing in the borrower's profits. The difference between interest and profits was well known to Mahomedan traders, but in default of a law like the present Bill, they were obliged to resort to all sorts of expedients. The present Bill would exactly meet the case. Every Mahomedan with a small capital who wished to invest his capital, would, if the Bill became law, be enabled to lend with perfect security and without doing violence to his conscience. In that respect he (the Lieutenant-Governor) had no doubt—indeed he had been positively assured—that the measure would prove particularly acceptable to the Mahomedan community.

The Motion was put and agreed to.

PLEADERS, MOOKHTARS AND REVENUE AGENTS' ACT AMENDMENT BILL.

The Hon'ble MR. MAINE moved for leave to introduce a Bill to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865. He said the object of this Bill was to defer in one or two respects the operation of the Pleaders, Mookhtars and Revenue Agents' Act, one of the valuable measures for which we were indebted to Mr. Harington. The Act required the High Court to make rules for the qualification, examination and removal of Pleaders and Mookhtars, provided for their enrolment and for the issue to them of stamped certificates, and declared that uncertificated persons, other than Advocates and Attorneys of a High Court, practising as Pleaders or Mookhtars, were to be liable to fine and imprisonment, and to be incapable of recovering fees. The provisions as to persons practising in the Revenue Courts corresponded with those applicable to Pleaders in Courts of Law. The Act would come into operation in Bengal in a fortnight. But the High Court had not yet framed the necessary rules, nor had any steps been taken by the practitioners in the Mofussil to become enrolled and procure stamped certificates, matters which obviously required some time to effect. Under these circumstances, unless the operation of the Act were to some extent postponed, legal business in the Mofussil would come to a stand-still. The present Bill declared that all persons qualified as Pleaders, Mookhtars or Revenue Agents on the 1st January 1866, the day on which Act No. XX of 1865 would come into operation, might continue to practise for six months from that date as if the Act had not been passed. The Bill also provided that sums payable by any person in respect of the fees of his adversary's Pleader should be payable during the six months as if the Act had not been passed. In other respects the Act was left to operate on the 1st January 1866. He proposed, if the Council would allow the Bill to be introduced, to ask them to pass it summarily at their next meeting.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to amend the Law of Partnership in India—His Excellency the Commander-in-Chief, the Hon'ble Mr. Grey, the Right Hon'ble Mr. Massey, the Hon'ble Mr. Bullen, the Hon'ble Rájá Sáhib Dyál Bahádur, the Hon'ble Mr. Cowie and the Mover.

The Council adjourned till the 22nd December.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 15th December 1865.

HOME DEPARTMENT.

Indo-European line of Telegraph.

From E. C. BAYLEY, ESQ., Secy. to Govt. of India, to Offg. Director General of Telegraphs in India,—No. 3215, dated Simla, the 25th October 1865.

I am directed to call your attention to the statement made in the Report of the Bombay Chamber of Commerce on the Indian Telegraph,* to the effect that the Director General, or the local Director, (it is not clear which is meant,) refused the request of the Chamber of Commerce that the Kurrachee date might be noted on all telegraphic messages

* Vide the *Englishman* of 7th October 1865.

received from England, giving what appears the extraordinary reply that "the Indian Telegraph Department is content to bear the onus of *ad interim* blame, leaving it to complainants to show where the fault lies."

2. I am to request that you will report whether this statement is accurate; and if it is, that you will be good enough to enquire what is now the practice, and to satisfy yourself whether there is any real objection to a compliance with the request of the Bombay Chamber of Commerce, which, *prima fâcie*, seems to be a reasonable one.

READ the following statement made in the Report of the Bombay Chamber of Commerce on the Indian Telegraph, published in the *Englishman* of the 7th October 1865 :—

Your Committee requested the Director of Telegraphs to give instructions that the Kurrachee date might be noted on all telegrams received from London for Bombay, or any other place in India east of Kurrachee; but he refused, saying "the Indian Telegraph Department is content to bear the onus of *ad interim* blame, leaving it to complainants to show where the fault lies." This seems rather short-sighted policy; as, in the true interests of the Department, it can never be right for the Director General to be other than conciliatory and accommodating, with a desire to afford information to the public at all times and on all points connected with the Department over which he presides, when it is required.

From LIEUT. COLONEL D. G. ROBINSON, R. E., Offg. Director General of Telegraphs in India, to Secy. to Govt. of India, Home Dept.,—No. 2019, dated Calcutta, 7th December 1865.

In reply to your letter of 25th October, No. 3215, I have the honor to forward, for the information of the Governor General in Council, copies of the whole correspondence on the subject.

2. You will observe that the quotation given by the Bombay Chamber of Commerce as published in the *Englishman* is an *inaccurate* extract from my Departmental letter to Mr. B. C. Bailey, the Director at Bombay, forwarded for his own guidance, but certainly not intended for submission to the Chamber of Commerce, and also that the substitution of the word *complainants** for *complaints* has completely altered the meaning of the sentence. The former would fix the onus of proof on those who had suffered the injury, the latter states that the Indian Telegraph Department will accept the responsibility of the blame until such time as the investigation of the complaints in the Complaint Office shall prove which Department is really in fault.

* *Extract from my letter.*	*Extract from Report of Bombay Chamber of Commerce as published in the* Englishman.
"is content to bear the onus of *ad interim* blame, leaving it to *complaints* to show where the fault lies."	"is content to bear the onus of *ad interim* blame, leaving it to *complainants* to show where the fault lies."

3. At the time the Chamber of Commerce addressed Mr. Bailey, it was the practice of the Department to attach Kurrachee dates to the messages, but as this was for purely Departmental discipline, to enable the administration to watch the progress of the messages on a newly opened line, and intended to continue only until such time as the lines were in thorough good order, the dates were purposely withheld from the public for fear of its hereafter claiming them as a right, when it would have been difficult to withdraw them. Indeed only a few days before I wrote to the Officiating Director of Telegraphs, Western Division (vide last para. of it), my predecessor had ordered the practice to be discontinued, and the dates to be given only twice a day for the following reason, (which is also a reply to the last question of your letter), viz., that the addition of the date to each message adds at least 5 per cent. to the length of time required to telegraph it, and consequently delays the progress of the rear messsages awaiting their turn for transmission to an extent far exceeding the limited gratification the possession of an intermediate, but really useless, date can afford.

4. During my absence from Calcutta, the Secretary of the Calcutta Chamber of Commerce, in a demi-official letter to the Director, Eastern Division, made a similar application. Major Murray suggested that, in addition to the maximum and minimum intervals of ordinary messages already published in the Gazette, and in lieu of giving a Kurrachee date to every message, a maximum and minimum time interval report of the period occupied in transmission of Indo-European messages between Kurrachee and Calcutta should also be published; but as this would involve the giving a Kurrachee date to every message transmitted, I have ordered instead the publication of the time occupied by the first message transmitted daily from Kurrachee after 6 and 18 hours respectively, and I purpose, there being no Telegraph Gazette at Bombay, at once directing a similar notification being affixed to the window of the Telegraph Office at that Station, as well as at each important Commercial Centre, for the satisfaction of those interested who may choose to enquire, and also in addition to the above, to publish every morning the latest United Kingdom date of the European messages received on the former day at these Stations.

From B. C. BAILEY, ESQ., Offg. Director of Telegraphs, Western Division, to Director General of Telegraphs in India,—No. 551, dated Bombay, 23rd June 1865.

I forward herewith copy of a letter No. 98, dated 6th instant, from the Secretary, Bombay Chamber of Commerce, suggesting that the Kurrachee date and time of despatch may be given on all messages from the Indo-European line.

2. As the Department is at present blamed for the delays of the Indo-European line as well as its own, I recommend that the Chamber's suggestion be adopted.

From JAMES TAYLOR, ESQ., Secy., Bombay Chamber of Commerce, to Director of Telegraphs, Bombay,—No. 98, dated 6th June 1865.

I am directed by the Committee of the Chamber of Commerce to suggest that you will be good enough to give instructions to the Superintendent of the Electric Telegraph at Kurrachee to order that the Kurrachee time be appended to all Indo-European telegrams transmitted to Bombay and eastward of Kurrachee.

The Chamber is given to understand that the time of receipt is appended to every telegram received by the Indo-European Department when the same is handed over to the Telegraph Office at

Kurrachee for further despatch; and the adoption of this practice on all messages forwarded to Bombay from Kurrachee will enable addressees to note the portion of time taken up in the transmission of Indo-European messages between the former place and Bombay.

From LIEUT. COLONEL D. G. ROBINSON, Offg. Director General of Telegraphs in India, to Offg. Director of Telegraphs, Western Division,—No. 995, dated Calcutta, 31st July 1865.

Your No. 551 of the 23rd June, covering copy of a communication from the Bombay Chamber of Commerce, suggesting that the Kurrachee time and date of despatch may be given on all messages received for onward transmission from the Indo-European Telegraph in order that delays, whether on the Indian or on the Indo-European system, may be readily ascertained.

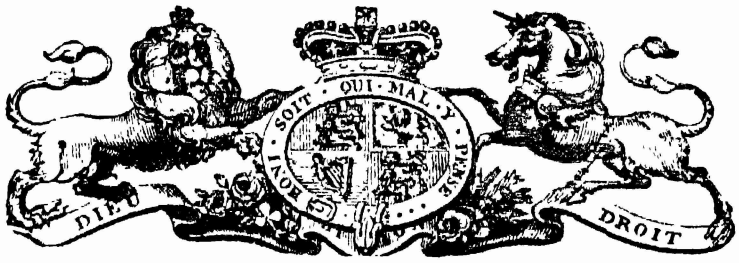
It is not a question of escaping blame ourselves or throwing it on other persons, for on this principle might Circles or other Telegraph systems just as well give a Circle or frontier date.

The Indian Telegraph Department is content to bear the onus of *ad interim* blame, leaving it to complaints to show where the fault lies.

My predecessor's telegram of the 21st July 1865 will have informed you that the discontinuance of the Kurrachee date has been directed, except twice a day for the present.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 52.



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CALCUTTA, SATURDAY, DECEMBER 30, 1865.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd of December 1865, and is hereby promulgated for general information :—

Act No. XXIX of 1865.

An Act to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865.

Preamble.

Whereas it is expedient to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865 (Act No. XX of 1865); It is enacted as follows :—

Persons qualified as Pleaders or Mookhtars when Act No. XX of 1865 shall come into operation may continue to practise for six months as if that Act had not been passed.

1. Notwithstanding anything contained in the Pleaders, Mookhtars and Revenue Agents' Act, 1865, any person who at the time when such Act shall come into operation shall be duly qualified to practise as a Pleader or Mookhtar in any Court in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as a Pleader or Mookhtar, as the case may be, in such Court for the period of six calendar months from the time when the said Act, shall come into operation in that part of India, without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act had not been passed.

Fees now payable by any person in respect of his adversary's Pleader to be payable during the six months as if Act XX of 1865 had not been passed.

2. All fees which are now by law payable upon proceedings in any Court by any party in respect of the fees of his adversary's Pleader shall continue to be payable, and may be allowed during the said period of six calendar months as if the said Act had not been passed.

Persons practising as Revenue Agents when Act No. XX of 1865 shall come into operation, may continue to practise for six months as if that Act had not been passed.

3. Notwithstanding anything contained in the said Act, any person who all the time when such Act shall come into operation shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as an Agent before such Board or in such Office, as the case may be, for the period of six calendar months from the time when the said Act shall come into operation in that part of India without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act, had not been passed.

High Court may permit person entitled, without examination, to a certificate authorizing him to practise as a Pleader in the Courts mentioned in Act No. XX of 1865, Section 10, Clause (c), to practise in Small Cause Courts.

4. Whenever the High Court shall cause a certificate, whether original or renewed, authorizing the holder to practise as a Pleader in the Courts mentioned in Clause (c) of Section 10 of the said Act, to be issued to a person entitled, under the proviso in Section 5 of the same Act, to be admitted and enrolled as a Pleader in the High Court without passing any examination, the Court may in such certificate authorize the holder to practise as a Pleader in Small Cause Courts in addition to the Courts mentioned in the said Clause (c), and he shall thereupon be entitled to practise as last aforesaid, subject to the conditions contained in the said Act as to the duration of and stamp on a certificate authorizing the holder to practise as a Pleader in the Courts mentioned in the said Clause (c).

Interpretation clause.

5. In the construction of this Act and of the said Act No. XX of 1865, the expression 'Office subordinate to such Board' and in the construction of the latter Act, the expression 'Revenue Office,' shall be taken to apply to Collectors and Deputy Collectors trying suits under Act No. X of 1859

(to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).

This Act to be taken as part of Act No. XX of 1865.

6. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd day of December 1865, and is hereby promulgated for general information:—

ACT No. XXX OF 1865.

An Act to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

Preamble.

Whereas, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of Irrigation, as should not exceed the rates which should "be defined by an Act of Parliament of the Indian Legislature," and should not in any case charge any higher rates whatsoever: And whereas it is expedient to fix the rates which the said Company may charge for the said purpose; It is enacted as follows:—

Rate which Company may charge for water supplied for purposes other than Irrigation.

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of Irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

Commencement of Act.

2. This Act shall come into force on the first day of January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th December 1865 and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 23 OF 1865.

A Bill to amend the Law of Partnership in India.

Preamble.

Whereas it is expedient to amend the Law relating to Partnership; It is enacted as follows:—

Lender not a partner by advancing money for share of profits.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

Remuneration of agents, &c., by profits not to make them partners.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Certain annuitants not to be deemed partners.

3. No person being the widow or child of the deceased partner of a trader and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader.

Receipt of profits, &c., not to make the seller a partner.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Interpretation of "person."

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

STATEMENT OF OBJECTS AND REASONS.

This Bill is, with one addition and one omission, transcribed from the English Statute 27 and 28

Vic., cap. 86, which, by simply abolishing an objectionable legal principle, known as the rule in *Waugh* v. *Carver*, is expected to produce the same effects as the French system of partnership *en commandite*.

Apart from the obvious expediency of Indian following English legislation in mercantile matters, the abolition of the rule in question is desirable for various reasons. The rule—that he who participates in the profits of a partnership shall, by operation of law, be made liable to its losses—is a mere *obiter dictum* of Chief Justice Eyre's, and is founded by him on Lord Mansfield's irrelevant decision in *Grace* v. *Smith*. In that case the share of the profits stipulated for by the lender, would have amounted to more than the legal rate of interest, and the fiction of a constructive partnership was invented by Lord Mansfield as the only means of upholding a contract which, if regarded as one of loan, would have been void as contravening the usury laws. These laws having now been abolished, the fiction which originated in them need no longer be maintained. Next, the abolition of the rule will give additional stability to mercantile firms, by doing away with the risk which at present would be incurred by retiring partners who should leave their shares in the business, stipulating for remuneration out of the profits. Thirdly, the Bill, if it become law, will promote those beneficial arrangements between employer and employed, based on the principle of the latter being remunerated by a portion of the profits of the business. Fourthly, interests created under the proposed Act will not generally be saleable, and the non-commercial classes will therefore be able to procure investments which, though more remunerative than Government Paper or mortgages, have not the highly speculative value of shares in ordinary limited liability undertakings. Lastly, the change proposed would in one important respect bring our mercantile law into harmony with that of the Natives of India, who are well known to practise among themselves a system of commanditarian partnership.

The addition above referred to is that of an explanation to the effect that a retiring partner leaving in the business the value of his share shall be construed to make a loan within the meaning of the 1st section. The omission above referred to is that of the 5th section of the English Statute, which provides that, in case of the borrower's insolvency, the commanditarian lender shall not be entitled to prove in competition with the other creditors. This provision appears to be at variance with the spirit of the rest of the enactment; and there would, moreover, be practical difficulties in working it in the Mofussil, where no system of insolvency has yet been established.

H. S. MAINE.

The 5th December 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 22nd December 1865, and was referred to a Select Committee with instructions to make their report thereon in six weeks :—

No. 24 OF 1865.

A Bill for the incorporation, regulation, and winding up of Trading Companies and other Associations.

Preamble.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding up of Trading Companies and other Associations should be consolidated and amended; It is enacted as follows :—

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the *first* day of *March* 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context :—

"British India." "British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India."

"Year." "Month." "Year" and "Month" respectively denote a year and month reckoned according to the British calendar.

"Insurance Company." An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses.

"District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court." And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part; and High Court denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than *ten* persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is

registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine parts relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act;

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them.

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of Association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the Memorandum of Association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the Memorandum of Association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of Association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the Memorandum of Association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount, subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the Memorandum of Association shall write opposite to his name the number of shares he takes.

Memorandum of Association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by guarantee, the Memorandum of Association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established;

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of Association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members hereinafter referred to as an unlimited Company, the Memorandum of

Association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of Memorandum of Association.

11. The Memorandum of Association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the Memorandum contained, on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such Memorandum, subject to the provisions of this Act.

Power of certain Companies to alter memorandum of Association.

12. Any Company limited by shares may so far modify the conditions contaned in its Memorandum of Association, if authorized to do so by its regulations as originally framed or as altered by special resolution in manner hereinafter mentioned, as to increase its capital by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its Memorandum of Association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government [testified in writing under the hand of one of the Secretaries to such Government], may change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The Memorandum of Association may, in the case of a Company limited by shares, and shall, in the case a of Company limited by guarantee or unlimited, be accompanied, when registered by Articles of Association signed by the subscribers to the Memorandum of Association, and prescribing such Regulations for the Company as the subscribers to the Memorandum of Association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically. They may adopt all or any of the provisions contained in the table marked A in the first Schedule hereto. They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the Memorandum of Association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of Association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained, a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of Memorandum of Association and Articles of Association with fees as in Table B.

17. The Memorandum of Association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct, and by a Company not having capital

divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the Memorandum of Association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand that the Company is incorporated, and in the case of a limited Company that the Company is limited; the subscribers of the Memorandum of Association, together with such other persons as may from time to time become members of the Company, shall thereupon be a body corporate by the name contained in the Memorandum of Association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of Memorandum and Articles to be given to members.

19. A copy of the Memorandum of Association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the Memorandum of Association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved, and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of interest in Company.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "Member."

22. The subscribers of the Memorandum of Association of any Company under this Act shall be deemed to have agreed to become members of the Company whose Memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Transfer by personal representative.

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of members.

24. Every Company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

25. Every Company under this Act, and having a capital divided into shares, shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or if there is more than one ordinary meeting in each year the first of such ordinary general meetings, is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number shares held by each of them, and shall contain a summary specifying the following particulars:—

Annual list of members.

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding one-hundred rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company, &c., not keeping a proper register.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall give notice to the Registrar of Joint Stock Companies of such consolidation, division or conversion, specifying the shares so consolidated, divided or converted.

Company to give notice of consolidation or of conversion of capital into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Effect of conversion of shares into stock.

29. No notice of any trust express, implied, or constructive, shall be entered on the register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Entry of trusts on register.

30. A certificate under the common seal of the Company specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Certificate of shares or stock.

31. The register of members commencing from the date of the registration of the Company shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned on payment of eight annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding forty rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the register.

Inspection of register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the register of members, for any time or times not exceeding in the whole thirty days in each year.

Power to close register.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar in the case of an increase of capital, within fifteen days from the date of the passing of the

Notice of increase of capital and of members to be given to Registrar.

resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Remedy for improper entry or omission of entry in register.

34. If the name of any person is without sufficient cause entered in, or omitted from, the register of members of any Company under this Act, or if default is made, or unnecessary delay takes place in entering on the register, the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register; provided that the Court may direct an issue to be tried, in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of register.

35. Whenever any order has been made rectifying the register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

36. The register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding up and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves with the qualifications following; (that is to say)—

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the Memorandum of Association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract, whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding one-hundred rupees for every during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company

shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a limited Company.

40. Every limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in the language required to be used in judicial proceedings in such district, and shall have its name engraven in legible characters in such languages on its seal, and shall have its name mentioned in legible characters in such languages in all notices, advertisements, and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts, and letters of credit of the Company.

Penalties on non-publication of name.

41. If any limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept, painted, or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager, or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt, or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque, or order for money or goods, for the amount thereof unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1). Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2). Any contract which if made between private persons would be by law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3). Any contract which if made between private persons would by law be valid, although made by parol only, and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be.

Register of mortgages.

43. Every limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding one thousand rupees. The register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding one hundred rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. In addition to the above penalty, any Judge of the High Court sitting in Chambers may by order compel an immediate inspection of the register.

Certain Companies to publish statement entered in Schedule.

44. Every limited Banking Company and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be enti-

tled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

List of Directors to be sent to Registrar.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Penalty on Company not keeping register of Directors.

46. If any Company under this Act and not having a capital divided into shares, makes default in keeping a register of its Directors or Managers, or in sending a copy of such register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Promissory Notes, Bills of Exchange, and Hundís.

47. A Promissory Note, Bill of Exchange, or Hundí shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf, or on account of the Company, by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General meeting of Company.

49. A general meeting of every Company under this Act shall be held once at the least in every year. If default is made in compliance with the provisions of this Section, every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall be liable to a penalty of one thousand rupees.

Power to alter regulations by special resolution.

50. Subject to the provisions of this Act, and to the conditions contained in the Memorandum of Association, any Company formed under this Act may, in general meeting, from time to time by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule, where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Definition of special resolution.

51. A resolution passed by a Company under this Act shall be deemed to be special, whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy (in cases where by the regulations of the Company proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month from the date of the meeting at which such resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

52. In default of any regulations as to voting, every member shall have one vote, and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of special resolutions.

53. A copy of any special resolution that is passed by any Company under this Act shall be printed and forwarded to the

Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding forty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of special resolutions.

54. Where Articles of Association have been registered, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such resolution: where no Articles of Association have been registered, a copy of any special resolution shall be forwarded in print to any member requesting the same on payment of one rupee, or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding forty rupees for each copy in respect of which such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney, on behalf of the Company, and under his seal, shall be binding on the Company, and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors.

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

(1.) In the case of a Banking Company that has a capital divided into shares, upon the application of members holding not less than one-third part of the whole shares of the Company for the time being issued:

(2.) In the case of any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued;

(3.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the Company as members.

Application for inspection to be supported by evidence.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government in Council. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of, and incidental to, any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a special resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors, or to answer any question as they would have incurred if such Inspector had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding, as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order, or other document required to be served upon the Company, may be served by leaving

the same, or sending it through the post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63. Any document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices of Company.

64. Any summons, notice, order, or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Adjudication of offences and recovery of penalties under this Act.

65. All offences under this Act made punishable by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII of 1856, as amended by Act No. XLVIII of 1860, relating to the adjudication of fines and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and Settlement of Prince of Wales' Island, Singapore, and Malacca.

Evidence of proceedings at meetings.

66. Every Company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the Company and of the Directors or Managers of the Company in cases where there are Directors or Managers to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings; and until the contrary is proved, every general meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers, or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Provision as to costs in actions brought by certain limited Companies.

67. Where a limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Plaint in suits against members.

68. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company, and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Alteration of Forms.

Governor General in Council may alter forms in Schedule.

69. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms as he deems requisite. Any such Table or form, when altered, shall be published in the *Gazette of India*, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Arbitrations.

Power for Companies to refer matters to arbitration.

70. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power to alter or revoke agreements for reference.

71. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter, or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions, or stipulations thereof.

Agreements to be carried into effect.

72. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the

Companies, and may and shall be carried into full effect.

Reference to Arbitrator.

73. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to two or more Arbitrators.

74. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, every Company shall, by writing under their common seal, appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Local Government.

76. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Companies to supply vacancies.

77. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined, any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Local Government to supply vacancies.

78. Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit, or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrator not revocable.

79. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the appointment, without the previous consent in writing of the other Company, or every other Company in writing under their common seal.

Appointment of Umpire by Arbitrators.

80. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Local Government.

81. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Arbitrators to supply vacancy.

82. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impartial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

83. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their Umpire, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

84. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

85. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

86. The Arbitrator, and the Arbitrators, and the Umpire, respectively, may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

87. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respect-

ively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

89. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred, and every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

90. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands, and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement, within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

91. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

92. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

93. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

Agreements, arbitrations, and awards to have effect.

94. Full effect shall be given by the Courts according to their respective jurisdiction, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations, and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame for the purpose.

Costs of arbitration and award.

95. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators and the Umpire respectively.

Payment of costs.

96. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

97. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

Winding up of Companies and Associations under this Act.

Preliminary.

Meaning of contributory.

98. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act, in the event of the same being wound up: it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

99. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

100. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs, and devisees shall be liable in a due course of administration to con-

tribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

101. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding up by Court.

Circumstances under which Company may be wound up by Court.

102. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a special resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

103. A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at their registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of *three* weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

104. The expression "the Court," as used in this part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company, it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding up to be made by petition.

105. Any application to the Court for the winding up of a Company under this Act may be made by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties together or separately; and every order which may be made on any such application shall operate in favour of all the creditors and all the contributories of the Company in the same manner as if it had been made upon the joint application of a creditor and a contributory.

Commencement of winding up by Court.

106. A winding up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Court may grant injunction.

107. The Court may, at any time after the presentation of a petition for winding up a Company under this Act, and before making an order for winding up the Company, upon the application of the Company, or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time, after the presentation of such petition, and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

108. Upon hearing the application, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order, or any other order that it deems just.

Actions and suits to be stayed after order for winding up.

109. When an order has been made for winding up a Company under this Act, no suit or other proceeding shall be proceeded with, or commenced against, the Company except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

110. When an order has been made for winding up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his books relating to the Company.

Power of Court to stay proceedings.

111. The Court may at any time after an order has been made for winding up a Company, upon the application by motion

of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

112. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

113. The Court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of official liquidator.

114. For the purpose of conducting the proceedings in winding up a Company, and assisting the Court therein, there may be appointed a person or persons to be called an official liquidator or official liquidators; and the Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of official liquidator or official liquidators. In all cases if more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act hereby required or authorized to be done by the official liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any official liquidator on his appointment. If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Resignations, removals, filling up vacancies, and compensation

115. Any official liquidator may resign or be removed by the Court on due cause shown: And any vacancy in the office of an official liquidator appointed by the Court shall be filled by the Court. There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of official liquidator.

116. The official liquidator or liquidators shall be described by the style of the official liquidator or official liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects, and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Powers of official liquidator.

117. The official liquidator shall have power with the sanction of the Court to do the following things:—

(1.) To bring or defend any suit, or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary, for the beneficial winding up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim, and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and rateably with the other separate creditors:

(6.) To draw, accept, make, and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such Bill, Hundí or Note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the official liquidator himself:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

118. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of official liquidator.

119. The official liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney to official liquidator.

Ordinary Powers of Court.

120. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

121. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

122. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker, or agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the Court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

123. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this part of this Act; and it may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profit. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

124. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Courts to make calls.

125. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Power of Court to order payment into Bank.

126. All monies, bills, notes, and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out of, the same as the Court may direct.

Regulation of account with Court.

127. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

128. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons, and in all proceedings whatsoever.

Order conclusive evidence.

129. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

130. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

131. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs.

132. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

133. Any order so made shall be reported by the official liquidator to the Registrar, who shall make a Minute accordingly in his books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

134. If the official liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

135. Any application for winding up a Company by the Court under this Act shall constitute a suit pending within the terms of the sixth Section of the Code of Civil Procedure.

Application for winding up to be *lis pendens*.

Extraordinary Powers of Court.

136. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended, and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

137. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid concerning the affairs, dealings, estate, or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

138. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Power to arrest contributory about to abscond or to remove or conceal any of his property.

139. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Powers of Court cumulative.

Enforcement of and Appeal from Orders.

140. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Power to enforce orders.

141. Any order made by a Court for or in the course of the winding up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Order made in any Court to be enforced by other Courts.

142. Where any order or decree made by one Court is required to be enforced by another Court, as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree in the same manner as if it were the order or decree of the Court enforcing the same.

Mode of dealing with orders to be enforced by other Courts.

143. Re-hearings of, and appeals from any order or decision made or given in the matter of the winding up of a Company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Appeals from orders.

144. In all proceedings under this part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this part of the Act, or any official copy thereof.

Judicial notice to be taken of signature of Officers.

145. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Special Commissioners for receiving evidence.

146. If any affidavit, affirmation, or declaration required to be sworn or made, under the provisions or for the purposes of this part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge, or person lawfully authorized to take and receive affidavits, affirmations, or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners, and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul attached, appended, or subscribed to any such affidavit, affirmation, or declaration, or to any other document to be used for the purposes of this part of this Act.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

Voluntary Winding up of Company.

147. A Company under this Act may be wound up voluntarily—

Circumstances under which Company may be wound up voluntarily.

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in general meeting has passed a resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a special resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an extraordinary resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purpose of this Act any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinbefore defined.

148. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorizing such winding up.

Commencement of voluntary winding up.

149. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding up, cease to carry on its business except in so far as may be required for the beneficial winding up thereof; and all transfers of shares except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding up shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Effect of voluntary winding up on status of Company.

150. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Notice of Resolution to wind up voluntarily.

151. The following consequences shall ensue upon the voluntary winding up of a Company :—

Consequences of voluntary winding up.

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu* and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company :

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property :

(3.) The Company in general meeting shall appoint such persons or person as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him :

(4.) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him :

(5.) Upon the appointment of liquidators, all the powers of the Directors shall cease, except in so far as the Company in general meeting or the liquidators may sanction the continuance of such powers :

(6.) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two :

(7.) The liquidators may, without the sanction of the Court, exercise all powers by this Act given to the official liquidators :

(8.) The liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories :

(9.) The liquidators may at any time after the passing of the resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same :

(10.) The liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

152. Where a Company limited by guarantee, and having a capital divided into shares, is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Effect of winding up on share-capital of Company limited by guarantee.

153. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily may, by an extraordinary resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised ; and any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Power of Company to delegate authority to appoint liquidators.

154. Any arrangement entered into between a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, and its creditors shall be binding on the Company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Arrangement when binding on creditors.

155. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon as it thinks just amend, vary, or confirm the same.

Power of creditor or contributory to appeal.

156. Where a Company is being wound up voluntarily, the liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court, and the Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power for liquidators or contributories in voluntary winding up to apply to Court.

157. Where a Company is being wound up voluntarily, the liquidators may, from time to time during the continuance of such winding up, summon general meetings of the Company for the purpose of obtaining the sanction of the Company by special resolution or extraordinary resolution or for any other purposes they think fit. In the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year, and of each succeeding year from the commencement of the winding up, or as soon thereafter as may be con-

Power of liquidators to call general meeting.

venient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding up has been conducted during the preceding year.

Power to fill up vacancy in liquidators.

158. If any vacancy occurs in the office of liquidators appointed by the Company, by death, resignation, or otherwise, the Company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power of Court to appoint liquidators.

159. If from any cause whatever, there is no liquidator acting in the case of a voluntary winding up, the Court may, on the application of a contributory, appoint a liquidator or liquidators. The Court may also, on due cause shown, remove any liquidator and appoint another liquidator to act in the matter of a voluntary winding up.

Liquidators on conclusion of winding up to make up an account.

160. As soon as the affairs of the Company are fully wound up, the liquidators shall make up an account showing the manner in which such winding up has been conducted, and the property of the Company disposed of; and thereupon they shall call a general meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators. The meeting shall be called by advertisement, specifying the time, place, and object of such meeting, and such advertisement shall be published one month at least previously to the meeting in the manner specified in Section 150.

Liquidators to report meeting to Registrar.

161. The liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Costs of voluntary liquidation.

162. All costs, charges and expenses properly incurred in the voluntary winding up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Saving of rights of creditors.

163. The voluntary winding up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding up.

Power of Court to adopt proceedings of voluntary winding up.

164. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding up.

Winding up subject to the Supervision of the Court.

Power of Court, on application, to direct winding up, subject to supervision.

165. When a resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories, or others, to apply to the Court, and generally upon such terms and subject to such conditions as the Court thinks just.

Petition for winding up subject to supervision.

166. A petition praying wholly or in part that a voluntary winding up should continue, but subject to the supervision of the Court, and which winding up is hereinafter referred to as a winding up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Court may have regard to wishes of creditors.

167. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of liquidator or liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Power to Court to appoint additional liquidators in winding up subject to supervision.

168. Where any order is made by the Court for a winding up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional liquidator or liquidators; and any liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any liquidators so appointed by the Court, and fill up any va-

cancy occasioned by such removal, or by death or resignation.

Effect of order of Court for winding up subject to supervision.

169. Where an order is made for a winding up subject to the supervision of the Court, the liquidators appointed to conduct such winding up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any order made by the Court for a winding up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court; and in the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidators, the expression official liquidators shall be deemed to mean the liquidators conducting the winding up subject to the supervision of the Court.

Appointment in certain cases of voluntary liquidators to office of official liquidators.

170. Where an order has been made for the winding up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order, or in any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be official liquidators.

Supplemental Provisions.

Dispositions after the commencement of the winding up avoided.

171. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares, or alteration in the status of the members of the Company made between the commencement of the winding up and the order for winding up, shall, unless the Court otherwise orders, be void.

The books of the Company to be evidence.

172. Where any Company is being wound up, all books, accounts and documents of the Company and of the liquidators shall, as between the contributories of the Company, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

173. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts, and documents of the Company and of the liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an extraordinary resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company, or the liquidators, or any one to whom the custody of such books, accounts, and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

174. Where an order has been made for winding up a Company by the Court, or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories, in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

175. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

176. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist between the Company and any contributory, or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding up of the Company, generally upon such terms as may be agreed upon, with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.

177. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the liquidators of the first mentioned Company may, with the sanction of a special resolution of the Company by whom they were appointed, conferring either a general authority on the liquidators, or an author-

ity in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, policies, or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up who has not voted in favour of the special resolution passed by the Company of which he is a member at either of the meetings held for passing the same expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer; that is to say, either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase money to be paid before the Company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution. No special resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any resolution for winding up the Company, or for appointing liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

178. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration, under the provisions contained in the Code of Civil Procedure regarding arbitration between the parties to a suit, so far as such provisions are applicable.

Certain attachments, distresses and executions to be void.

179. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment or execution put in force against the estate or effects of the Company after the commencement of the winding up shall be void.

Fraudulent preference.

180. Any such conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, as would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly; and, for the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a resolution for winding up the Company shall, in the case of a voluntary winding up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act of all its estate and effects to trustees for the benefit of all its creditors shall be void.

Power of Court to assess damages against delinquent Directors and Officers.

181. Where in the course of the winding up of any Company under this Act, it appears that any past or present Director, Manager, official or other liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Penalty on falsification of books.

182. If any Director, Officer, or contributory of any Company wound up under this Act, secretes, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account, or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent Directors in the case of winding up by Court.

183. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding up that any past or present Director Manager, Officer, or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding up, or of its own motion direct the official liquidators, or the liquidators (as the case may be), to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the Company.

Penalty of perjury.

184. If any person, upon any examination upon oath or affirmation authorized under this Act or in any affidavit, depos

tion, or solemn affirmation in or about the winding up of any Company under this Act, or otherwise in or about any matter arising under this Act, *intentionally* gives false evidence, he shall, upon conviction, be liable to the punishment provided by Section 193 of the Indian Penal Code for the offence of intentionally giving false evidence in a stage of a judicial proceeding.

Power of High Court to make Rules.

Power of High Court to make rules.

185. The High Court may, as often as circumstances require, make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure; but until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

PART V.

Registration Office.

Constitution of Registration Office.

186. The Registration of Companies under this Act shall be conducted as follows; (that is to say)—

(1.) The Local Government may, after the sanction of the Governor General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks, and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks, and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the Memorandum of Association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection; and any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar; and there shall be paid for such certificate of incorporation, certified copy, or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government, hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize; but in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

Application of Act to Companies registered under the Joint Stock Companies' Acts.

Application of Act to Companies formed under Acts XIX of 1857 and VII of 1860.

187. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a limited Company, as if such Company had been formed and registered as an unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by special resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the Memorandum of Association.

188. This Act shall apply to Companies registered but not formed under the said Acts or either of them in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Application of Act to Companies registered under Joint Stock Companies' Acts.

189. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

Mode of transferring shares.

PART VII.

Companies authorized to register under this Act.

190. With the exceptions made in the next following Section, and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law and consisting of seven or more members, may at any time hereafter register itself under this Act as an unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Companies capable of being registered.

191. The following regulations shall be observed with respect to the registration of Companies under this part of this Act: (that is to say)—

Regulations as to registration of existing Companies.

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, shall register under this Act in pursuance of this part thereof as an unlimited Company, or as a Company limited by guarantee:

(3.) No Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, is about to register as a limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned general meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges, and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

192. For the purposes of this part of this Act, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Definition of Joint Stock Company.

193. Previously to the registration, in pursuance of this part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say)—

Requisitions for registration by Companies.

(1.) A list showing the names, addresses, and occupations of all persons who on a day named in such list, and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a limited Company, the above list and copy shall be accompanied by a

statement specifying the following particulars; that is to say—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

194. Previously to the registration, in pursuance of this part of this Act, of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses, and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of guarantee.

Power for existing Company to register amount of stock instead of shares.

195. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

196. The lists of Members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same, or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

197. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or is not a Joint Stock Company as hereinbefore defined.

On registration of Banking Company with limited liability, notice to be given to customers.

198. Every Banking Company existing at the date of the passing of this Act which registers itself as a limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm who have a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the post addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

199. No fees shall be charged in respect of the registration in pursuance of this part of this Act of any Company in cases where such Company is not registered as a limited Company, or where, previously to its being registered as a limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor General of India in Council, or by Letters Patent.

Power to Company to change name.

200. Any Company authorized by this part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Certificate of registration of existing Companies.

201. Upon compliance with the requisitions in this part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal with power to hold lands.

Certificate to be evidence of compliance with Act.

202. A certificate of incorporation given at any time to any Company registered in pursuance of this part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a limited or unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

203. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in the Company at the date of its registration under

this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

204. The registration in pursuance of this part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with, or on behalf of such Company previously to such registration.

Continuation of existing suits.

205. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this part of this Act have been commenced by or against such Company, or the public officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

206. When a Company is registered under this Act in pursuance of this part thereof, all provisions contained in any Act of Parliament, Act of the Governor General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered Memorandum of Association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories, and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say)—

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by special resolution, apply to any Company registered under this Act in pursuance of this part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor General of India in Council relating to the Company;

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) That in the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid; and every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid, and in the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs, and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) That nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the Memorandum of Association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this part thereof by virtue of any Act of Parliament, Act of the Governor General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

207. The High Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this part of this Act, and before making an order for winding up the Company, upon the application by motion of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

208. Where an order has been made for winding up a Company registered in pursuance of this part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the High Court and subject to such terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding up of unregistered Companies.

209. Subject as hereinafter mentioned, any partnership, association, or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor General of India in Council, consisting of more than seven members, and not registered under this Act, and hereinafter included under the term unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions :—

(1.) An unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business; moreover, the principal place of business of an unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding up of such Company, be deemed to be the registered Office of the Company.

(2.) No unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court.

(3.) The circumstances under which an unregistered Company may be wound up are as follows, (that is to say)—

(*a.*) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(*b.*) Whenever the Company is unable to pay its debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up;

(4.) An unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts.

(*a.*) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company, or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor:

(*b.*) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due, or claimed to be due, from the Company, or from him in his character of member of the Company, and notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same:

(*c.*) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

210. In the event of an unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges, and expenses of winding up the Company, and every such contributory shall be liable to contribute to the assets of the Company in the course of the winding up all sums due from him in respect of any such liability as aforesaid; but in the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

211. The Court may, at any time after the making of an application for winding up an unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up unregistered Company.

212. Where an order has been made for winding up an unregistered Company in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court, and subject to such terms as the Court may impose.

Provision in case of unregistered Company.

213. If any unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company, or by any subsequent order, direct that all such property, real and personal, including all interests, claims, and rights into and out of property, real and personal, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the official liquidator or official liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the official liquidator or official liquidators may, in his or their official name or names, or in such name or names, and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions in this part of Act cumulative.

214. The provisions made by this part of this Act with respect to unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court, and the Court or official liquidator may, in addition to any thing contained in this part of this Act, exercise any powers or do any act in the case of unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this part of this Act.

PART IX.

Repeal of Acts and temporary Provisions.

Repeal of Acts.

215. After the commencement of this Act, there shall be repealed the several Acts specified in the third schedule hereto.

Saving Clause as to repeal.

216. No repeal hereby enacted shall affect—

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture, or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.

217. In Sections 1 and 18 of Act No. XXI of 1860 (*for the registration of Literary, Scientific and Charitable Societies*) the words "Registrar" of Joint Stock Companies shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Saving of existing proceedings for winding up.

218. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a resolution has been passed for winding up a Company voluntarily, such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

219. Where previously to the commencement of this Act any conveyance, mortgage, or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

220. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

221. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing, but shall not be incapable of being made a defendant to a suit:

(2.) No dividend shall be payable to any shareholder in such Company:

(3.) Each Director or Manager of the Company shall for each day during which the Company so being in default carries on business incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not, in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may,

have incurred by reason of its not having registered under the said Act XIX of 1857.

Temporary power for Companies to change registered Office.

222. Upon the application of the Directors of any Company registered under the said Acts of 1857 and 1860, or either of them, made within one year after the date of the commencement of this Act, sanctioned by a resolution passed at an Extraordinary General Meeting, but subject to the restrictions hereinafter mentioned, the Governor General of India in Council shall have authority by his certificate in writing signed by one of the Secretaries to the Government of India to change the registered Office of any such Company from any one part of British India to any other part thereof. The Registrar of Joint Stock Companies with whom the Memorandum of Registration of such Company has been registered shall, upon receipt of such certificate, note in writing upon the margin or at the foot of the said memorandum the name of the place to which such registered Office is to be transferred, and the day upon which such transfer is, pursuant to such certificate, to take place, and shall attach the certificate to the memorandum, and the said Registrar shall thereupon transmit to the Registrar of Joint Stock Companies for that part of British India to which the registered Office is to be so transferred, copies of the said certificate and of the said Memorandum of Registration so noted certified by him. The said Registrar for the said last-mentioned part of British India shall, upon receipt of such copies of certificate and memorandum, retain and register the same in like manner, and on payment of the like fees to him as provided in the case of the registration of an original Memorandum of Registration, and thereupon the place of the registered Office shall, from the said last-mentioned registration, and the said day mentioned in the said certificate, be the place mentioned as such on the said certificate: Provided, however, that such change shall in no wise alter or affect any thing theretofore done by the said Company or any of their rights or liabilities in respect thereof.

Restrictions on issue of certificate.

223. The Governor General of India in Council shall not issue his certificate in pursuance of the foregoing Section until he is satisfied that an advertisement of the intention of the Company to apply to him for a certificate, with a declaration that all parties objecting thereto are forthwith to apply to the Governor General of India in Council has been published once at the least in each of four successive weeks in the local Gazette, nor until the Governor General of India in Council is satisfied that the objections, if any, that may be urged against the issue of such certificate, are groundless.

Act not to apply to Banks of Bengal, Madras, or Bombay.

224. Nothing in this Act shall affect Act VI of 1839 (*relating to the Bank of Bengal*), Act III of 1840 (*for the incorporation of a Bank at Bombay*), or Act IX of 1843 (*for the incorporation of a Bank at Madras*), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay, incorporate by the said Acts respectively.

FIRST SCHEDULE.

TABLE A.

Regulations for Management of a Company Limited by Shares.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in general meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in general meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form:—

I, A B, of in consideration of the sum of Rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators, and assigns, subject to

the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of .

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, accompanied with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time hereafter, during such time as the call remains unpaid, serve a notice on him, requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day, on or before which such call, and all interest and expenses that have accrued by reason of such non-payment, are to be paid. It shall also name the place where payment is to be made (the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable). The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made, will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in general meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in general meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in general meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the exist-

ing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first general meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place as the Directors may determine.

(30.) Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an extraordinary general meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at any ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets, and the ordinary report of the Directors.

(37.) No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of Members, shall be dissolved: In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every general meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the Members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any general meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(43.) If a poll is demanded by five or more Members it shall be taken in such manner as Chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in General Meeting. In the case of an equality of votes at any general meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every Member shall have one vote for every share up to ten: He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any Member is a lunatic or idiot he may vote by his Committee, or other legal Curator; and if any shareholder is a minor he may vote by his guardian, or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the Member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No Member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no Member shall be entitled to vote in respect of any share that he has acquired by transfer at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a Member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form :—

Company Limited.

I of being a Member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary *or* Extraordinary, *as the case may be*) General Meeting of the Company to be held on the day of , and at any adjournment thereof (*or*, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the Memorandum of Association.

(53.) Until Directors are appointed the subscribers of the Memorandum of Association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the Company in general meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in general meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated :—

If he holds any other office or place of profit under the Company :

If he becomes bankrupt or insolvent :

If he is concerned in or participates in the profits of any contract with the Company :

But the above rules shall be subject to the following exceptions : That no Director shall vacate his office by reason of his being a Member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work ; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first ordinary meeting after the registration of the Company the whole of the Directors shall retire from office ; and at the first ordinary meeting in every subsequent year one-third of the Directors for the time being, or if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place, the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place ; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his

office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company, in General Meeting, may, by a special resolution, remove any Director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any Regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company, or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matter in respect of which such receipt and expenditure takes place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries, and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year, and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors, subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be Members of the Company; but no person is eligible as an auditor who is interested otherwise than as a Member in any transaction of the Company; and no Director or other officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in such year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts, examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the Members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory; and such report shall be read, together with the report of the Directors, at the ordinary meeting.

Notices.

(95.) A notice may be served by the Company upon any Member either personally or by sending it through the post in a letter addressed to such Member at his registered place of abode.

(96.) All notices directed to be given to the Members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that the letter containing the notices was properly addressed and put into the Post Office.

No. 1198 *of* 1865.—The under-mentioned Officer having completed twenty years' service, six years of which were on permanent Staff employ, to be Major, from the date specified opposite to his name under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain G. Price ... 27th December 1865.

No. 1199 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

Corps or Department.	Rank and Names.	To what rank promoted.	From what date.	In succession to.
Medical Department.	Asst. Surgeon Robert Moir, M. D. ..	Surgeon ...	1st August 1865	Deputy Inspector General of Hospitals G. Harper, retired.
	Asst. Surgeon Theodore Duka, M. D.	Surgeon ...	24th Nov. 1865	Principal Inspector General of Hospitals J. McClelland, Fel. U. C., retired.

H. K. BURNE, *Lieut. Col.*,
Depy. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

RAILWAY.

No. 2 R.

Fort William, the 26th December 1865.

NOTIFICATION.

The Governor General in Council, having decided to unite the State control of the affairs of the East Indian Railway Company in India under one Local Government and one Consulting Engineer, is pleased to abolish the appointment of the Consulting Engineer for Railways to Government, North-Western Provinces, from such date as the Government of Bengal may, in communication with the Government, North-Western Provinces, arrange for the transfer of the duties of that office to the Consulting Engineer for Railways in Bengal.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Allahabad Circle Notes for Rupees			41,980
Lahore	"	"	4,17,660
Nagpore	"	"	12,330

(Sd.) H. HYDE,
Head Commissioner.

23rd December 1865.

NOTICE.

Lost in Transit the Halves of the under-mentioned Currency Notes, viz :—

Left Half No. $\frac{A}{7}$52597 } Dated Calcutta, 9th July
Ditto ditto 54799 } 1861, each for Rs. 10.

Ditto ditto $\frac{A}{17}$45522, dated Calcutta, 7th May 1862 (Nagpore Circle), for Rs. 10.

R. CLARKSON.

LOST.

In transit between Jubbulpore and Calcutta, on the 3rd October 1865, the 1st halves of the following Government Currency Notes of Central Provinces :—

Particulars.

1 Note No.	25558	Rs.	500	Brought over,		Rs.	2,600
1 "	25559	"	500	1 Note No.	43213	"	50
1 "	25561	"	500	1 "	43214	"	50
1 "	71301	"	100	1 "	43215	"	50
1 "	71302	"	100	1 "	60762	"	20
1 "	71328	"	100	1 "	63521	"	20
1 "	71341	"	100	1 "	70104	"	20
1 "	71434	"	100	1 "	70105	"	20
1 "	78857	"	100	1 "	70109	"	20
1 "	78858	"	100	1 "	74012	"	20
1 "	78859	"	100	1 "	74013	"	20
1 "	95205	"	100	1 "	45147	"	10
1 "	30580	"	50	1 "	45998	"	10
1 "	30845	"	50	1 "	46610	"	10
1 "	31101	"	50	1 "	49939	"	10
1 "	31662	"	50	1 "	60101	"	10
Carried over,			2,600	Total,			2,940

The Public as well as the Treasury Officers are warned against cashing any of the above Notes.

BUNSEELOLL ABEER CHUND,
Rae Bahadoor.

KAMPTEE,
2nd December 1865.

WANTED

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F. M. HALLIDAY,
Offg. Magistrate.

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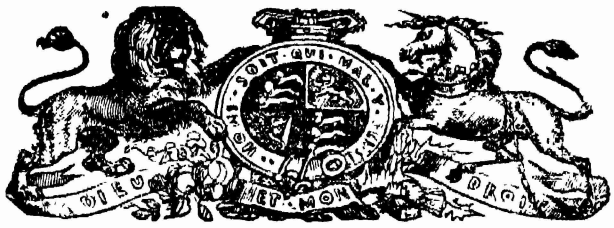

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 30, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 22nd December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

SUMMARY PROCEDURE ON BILLS OF EXCHANGE BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to provide a summary procedure on Bills of Exchange, and to amend in certain respects the Commercial Law of British India, said that this Bill, like others he had recently introduced, was an adaptation of English legislation to India. In the present measure, portions of no less than four English Statutes had been incorporated. The most important Sections were those numbered 2 to 8, which provided a summary procedure on Bills of Exchange. He might describe it shortly as a measure designed to carry out to the full the theory of negotiable instruments. The policy of the Law Merchant during many centuries, over the whole of Europe, had been to assimilate Bills of Exchange to money. Mr. Maine was not stating a comparison, but describing the actual object which he supposed the interpreters of that law had in view. They wished to make the transfer of a negotiable instrument as easy and effectual as the transfer of current coin. It was not till a few years ago that the last step was taken in adapting practice to theory. Up to that time, the holder of a Bill of Exchange which had been dishonoured had to bring an action in the ordinary form against the person liable to pay it. Now the experience of all persons connected with litigation on negotiable instruments shewed that the defences to such actions were in the enormous majority of cases artificial—that was, not necessarily frivolous or fraudulent, but invented by an afterthought. If the person liable to pay had had the money, he would have paid, but he had it not, and so dishonoured the Bill, and then had recourse to the dexterity of his legal adviser to enable him to gain time or perhaps to evade payment. These inconveniences were mitigated by the new summary English procedure. The plaintiff summoned the defendant before a Judge and said to him, in effect, 'If you will swear that you have a defence on the merits, let the action go on; but if you will not burden your conscience with a false oath, let me have a decree and be paid my money.' The measure had worked so well, that it had been extended to Ireland and the County Courts. Now, as regarded the proposal involved in the Bill, to imitate this procedure in India,

there seemed to Mr. Maine, as with most commercial reforms, to be even more reason for introducing it into India than for adopting it at home. Under the Code of Civil Procedure, even when a case was undefended, it was necessary for the plaintiff to make out so much of his own case as *primâ facie* entitled him to recover, and in defended cases for technical reasons which he would not state, the burden of proof was heavier on the plaintiff than at home. Thus, a bill might have been drawn by one merchant in Calcutta upon a house in Bombay in favour of another merchant in Calcutta. It might have been indorsed over to some one in Bombay and dishonoured: the indorsee in Bombay would have his remedy against the indorser in Calcutta, who again might have to sue the drawer in this city. In such a suit, the plaintiff would have to prove dishonour in Bombay—no easy thing, considering the distance between the two places. But under Mr. Maine's new procedure, the defendant would be forced to swear to the nature of his real defence. The Judge would tie him down to the defences indicated in his affidavit, and the plaintiff would only be called upon to prove dishonour when the very case of the defendant was that no dishonour had taken place. As regarded the Sections following Section 8, they were open to two remarks; one was that, like the English Statute on which this portion of the Bill was founded, it was a hotchpot measure: the Sections were miscellaneous and had no natural connection with one another. The other remark which might be fairly made upon them was that, when the new Civil Code should have been prepared, it would certainly settle all the points adverted to, in the same manner in which they were settled by the Bill. But, remarkable as was the pace at which the Indian Law Commissioners were proceeding, considering their manifold occupations, no small space of time might pass before they were ready with a draft of law embracing the various matters contained in this Bill, and in the mean time it did not seem just that the Indian mercantile community should be deprived of the advantages enjoyed by the mercantile community at home.

Section 9 provided that the consideration for a guarantee need not appear in writing or by necessary inference from a written document. Owing to a peculiarity of language in the Statute of Frauds, a Statute which had some application—though only a limited application—in India, it was very early held that on a guarantee it was necessary not only to state the promise, but the consideration. Now in practice, people, unless legally advised, constantly omitted to state the consideration. The result was that there were a number of fine-drawn distinctions intended to take as many cases as possible practically out of the rule. At last the Legislature stept in and, in accordance with common sense, enacted that the consideration need not appear in writing.

Section 10 was to the effect that a guarantee to or for a firm should cease upon a change in the firm, unless the intention of the parties that the guarantee was to continue binding notwithstanding such change should appear either by express stipulation or necessary implication. This provision was intended to prevent an injustice formerly by no means of infrequent occurrence at home. In England and in English dependencies, the name of a firm, as was well known, meant nothing. It might continue, although every single member of the firm had been changed. But the old law of England was that a guarantee given to a firm continued in spite of changes, and thus a person who had intended to warrant the credit of particular individuals, might find himself answerable for the debts of persons whom he had never heard of. The new law now provided that, unless it were otherwise provided, the guarantee should cease when the firm changed.

Section 11 provided that the acceptance of a bill, whether inland or foreign, should be in writing. This had been the law in England, as regarded inland bills, ever since the reign of George III, and as regarded foreign bills, for the last six or seven years. Mr. Maine believed that European merchants in India invariably accepted their bills in writing. The practice, however, as regarded Hundís was not so uniform—possibly because Native bills were usually made payable so many days after date and not after sight, so that, strictly speaking, no acceptance at all was necessary. If the Hon'ble Rája Sáhib Dyál would sit on the Committee, he would be able to tell them how far the proposed law interfered with Native custom. No doubt the provision in the Section was abstractedly desirable, since no words were too strong for the fraud and confusion arising out of a system of constructive acceptance.

The purport of the 12th Section was that all bills drawn in British India should be deemed to be inland bills. The Section was so framed, because Mr. Maine believed that it stated the existing law. He was aware that a different impression had prevailed, and that it had been supposed that a bill drawn in another Presidency was, relatively to this Presidency, a foreign bill. No doubt the idea had grown out of the convenience attending the protest or notarial attestation of dishonour, which when properly obtained, was *primâ facie* evidence that the bill had been dishonoured. But Mr. Maine could not persuade himself of the correctness of this view, and he thought it somewhat dangerous for the mercantile community to get into the habit of treating bills drawn in another Presidency as foreign bills, since they might be led into errors in applying the Stamp law. Nevertheless, Mr. Maine was willing to entertain in Committee a proposal for making the protest of a bill in any part of India *primâ facie* evidence of dishonour in any other part. At the same time it should be understood that the plan would be an entire novelty, for a Notary Public was not a personage known to municipal law. His office existed under the comity of nations, and was designed to furnish evidence of transactions in one country which the Courts of another country would recognize. It should be further recollected that, under the new procedure, the issue of dishonour would only be tried when the defendant had expressly sworn that his case was that no dishonour had taken place. Under such circumstances it did not seem very hard that the plaintiff should be called on to prove dishonour by the ordinary evidence.

The later Sections of the Bill related to a somewhat technical matter. A bill of lading might be described as being, in India, and, till recently, in England, an imperfectly negotiable instrument. The indorsement of a bill of lading transferred the property in the goods, but at present did not

transfer the contract. Certain inconveniences arose from this defect which these Sections would remedy.

The Motion was put and agreed to.

GOVERNMENT PAPER CURRENCY ACT AMENDMENT BILL.

The Right Hon'ble MR. MASSEY, in moving for leave to introduce a Bill to amend Act No. XIX of 1861 (to provide for a Government Paper Currency), said that the Bill which he proposed to introduce was one of very limited application, and had reference solely to that Section of the Act No. XIX of 1861 which laid down the conditions on which Government Promissory Notes were issued. Section 9 of that Act made it obligatory on the Currency Department to issue Promissory Notes, *first*, in exchange for the current silver coin of the Government of India, or, *secondly*, in exchange for standard silver bullion or foreign silver coin; and it was with reference to the last obligation that he proposed now to introduce a modified enactment.

Before the passing of the Currency Act, it was usual for the Government of India to issue from time to time notifications of the period at which Mint Certificates would be cashed, and these periods were always calculated with reference to the time at which it would undertake to convert the bullion into coin. But when the Currency Act introduced the obligation of giving notes in exchange for bullion, it was thought unnecessary to maintain a distinction which was practically inoperative, and Mint Certificates were therefore in like manner cashed on demand. Under these circumstances Government was obviously placed in a difficulty in the event of large arrivals of bullion. He therefore proposed to place the exchange of Notes for bullion by the Currency Department on the same footing as the exchange of coin for bullion tendered to the Mint before the alteration of the former practice. The distinction between Notes issued on the deposit of coin, and Notes issued on the deposit of something which was not coin but afterwards converted into coin by a tedious process, was very manifest. The first was one peculiar to the function of issue; the last was a transaction which more properly belonged to Banking business; and the union of the two under the present law as administered by the Government of India, was a union of a novel character, and, as far as he was informed, was one which had no precedent in the practice of any other Government. It was obvious, also, that every rupee withdrawn from the currency for the purpose of cashing bullion, diminished to that extent the fund which belonged to the holders of Government Promissory Notes, and likewise diminished the certainty of the immediate convertibility of those Notes, which was the indispensable condition of a sound paper currency. In making that remark, he did not wish to be understood as saying that any serious risk was incurred by the Department of Issue in cashing bullion. No suspension of cash payments had ever occurred or was likely to occur. He did not wish to place the question higher than one of convenience and charge to the Government. But it was manifest that, where a large influx of bullion was expected, it was necessary for the Government to make special provision in the Currency Department against the contingency. Now, that could not be done without deranging the transactions of the Department, and imposing on the Government serious expense and great inconvenience. He might say that, in a recent instance, the necessity imposed by the enactment had cost the Government a sum of no less than 60,000 Rupees, and the expense which the Government was likely to incur in respect to the transaction referred to was not even limited to that amount. He maintained that it was neither reasonable nor just that the Government should be placed in that position. He thought it was not reasonable that the Government should be expected to undertake transactions with which it properly had no concern; and that it was unjust, for the benefit of a particular class of merchants, that a charge should be imposed on the public. He was quite sensible of the great benefit conferred on the mercantile community by importers of bullion, and he should be sorry to propose any legislation or make any remark calculated in the most remote degree to obstruct or discourage the traffic in that most useful commodity. He did not propose, therefore, altogether to withdraw from the importers of bullion the advantages which they at present enjoyed. He only desired to modify the obligation imposed on Government, and the object of the present Bill was simply to make it optional instead of obligatory to cash bullion.

The result would be this, that if, after making adequate provision for Currency Notes in circulation as the first duty of the Department, there should be in the opinion of the Government Officers a surplus of coin which would enable them to meet the demand, that surplus would be freely exchanged for bullion without charge. So that he hoped that the practical result of the proposed legislation would not cause any great departure from existing arrangements. In fact whenever money was available, it would be freely exchanged for bullion, but Government desired to be relieved from undertaking a duty which did not properly belong to it and was productive of much embarrassment.

This subject was not now broached for the first time. Before he had the honour of being connected with the Government of India, the matter had engaged the attention of those who were then concerned in the administration of financial affairs, and the present practice was thought so unreasonable that the propriety of limiting the obligations of Government to the exchange of Notes for coin was seriously discussed; but the advantage of encouraging the importation of bullion was felt to be so great that the proposed limitation was considered to be needlessly stringent. He perfectly concurred in that view of the case. The matter had been under the consideration of Her Majesty's Government, and it had been officially signified that the measure which he had now the honour to propose to the Council, would meet the concurrence of that Government. It was not necessary for him on this occasion to trouble the Council with any further observations. He had sufficiently explained the difficulty which required to be removed, and he hoped that the measure which he proposed was so moderate and reasonable that it would meet with the approval of the Council.

He might add that he proposed to pass the measure through its stages on this day fortnight;

and as the matter was of some urgency, he hoped that the Council would not then object to passing the Bill summarily.

The Hon'ble Mr. Cowil said, he quite approved of the fairness and reasonableness of such a measure as this, to prevent the inconvenience to which Government might very probably be exposed under the present state of things; but he would, at the same time, suggest for the consideration of the Executive Government, whether a considerable enlargement of the powers of the Mint should not be made in order to be equal to the very heavy and sometimes unexpected importations of bullion, which, with our greatly extending commerce, would every now and then take place.

The Motion was put and agreed to.

PLEADERS, MOOKHTARS AND REVENUE AGENTS' ACT AMENDMENT BILL.

The Hon'ble Mr. Maine introduced the Bill to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865. He said that he had explained a week ago, that the proposed Bill was concerned with a mere formality. The Act to be amended—or rather postponed—which was a very excellent one, provided a system of examining, admitting and enrolling Pleaders and Mookhtars under rules to be framed by the High Court. So far, however, as related to Pleaders and Mookhtars in actual practice, the conditions of admission were a mere form, inasmuch as they were entitled to be admitted without examination. Still these conditions had to be in accordance with a rule, and as this rule was not ready, the present Bill became necessary. It was not competent for a member of the Legislature to state authoritatively what its intention had been, but speaking as a critic, Mr. Maine thought that the intention appeared clearly on the face of the enactment. The Legislature had obviously supposed that, during the considerable interval which was to elapse between the signature of the Act by the Governor-General and its coming into operation, the High Court would draw up rules relating at all events to mere formal matters, such as the preparation of the roll and the mode of admission. These rules would become operative on the 1st January 1866, and then a very few days would suffice for admitting and enrolling the whole of the Pleaders and Mookhtars actually in practice. It might, indeed, be said that, by giving to the High Court six months for the preparation of the rules, the Legislature put it into the power of the High Court to postpone even formal steps for half a year. But of the numerous measures passed by the Council, which were dependent for their operation on rules to be made by the High Court, there was scarcely one which might not be defeated or stultified if the Court chose to use its power perversely. That Council, however, knew the High Court too well to believe that it would do anything of the kind, and felt perfectly sure that just as it carried out the intentions of the Legislature judicially, similarly it would give effect to their intentions in its administrative or quasi-administrative capacity. The simple truth was that the point, as was natural with a mere formality, did not attract attention till the beginning of December, when the Chief Justice, with his customary acuteness, perceived it and called attention to it. Then, however, it was too late to make rules, and hence this enactment became necessary.

Since it had been determined to amend Act No. XX of 1865, Mr. Maine's attention had been called to a particular of merely local and temporary importance in which a change might usefully be made. It had been very wisely determined by the framers of the Act, that in future, practitioners in Small Cause Courts, should belong to the same class as practised in District Courts. At present, however, junior Pleaders alone practised in the Bengal Small Cause Courts, and if they could only obtain the certificate mentioned in Clause (*c*) of Section 10, they would be debarred from such practice. Since, then, it was not intended to disturb existing interests, and since the class of persons who would take out the certificates mentioned in Clause (*b*) was not at present large enough to supply a Bar for the Small Cause Courts, Mr. Maine proposed to introduce a Section which would enable the High Court if it pleased to continue the existing junior Pleaders in their present position.

The Hon'ble Mr. Grey suggested that the retention of junior Pleaders in their present privileges should be made obligatory on the High Court.

The Hon'ble Mr. Maine said, he preferred leaving it optional, as he understood that it was only in the pettier Small Cause Courts in Bengal that the difficulty arose.

The Hon'ble Mr. Maine then applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble Mr. Maine then moved that the Bill be taken into consideration.

The Motion was put and agreed to.

The Hon'ble Mr. Maine also moved that the Bill be passed.

The Motion was put and agreed to.

MADRAS IRRIGATION COMPANY'S BILL.

The Hon'ble Mr. Taylor presented the Report of the Select Committee on the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

The Hon'ble Mr. Taylor also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble Mr. Taylor then moved that th Report be taken into consideration. He said, tha although the Bill had only been in the hands o the Members of Council for a very few days, i was so desirable to remove every impediment fron the way of the Madras Irrigation Company that he hoped the Council would consent to pass the Bill at once.

The Motion was put and agreed to.

The Hon'ble Mr. Taylor also moved that the Bill be passed.

The Motion was put and agreed to.

INDIAN COMPANIES' BILL.

The Hon'ble MR. MAINE introduced the Bill for the incorporation, regulation and winding up of Trading Companies and other Associations, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that the Bill, as its appearance shewed, was one of some magnitude, but the questions which arose upon it were almost exclusively questions of detail. If the Hon'ble Mr. Bullen and the Hon'ble Mr. Cowie would consent to sit on the Committee, those questions would be satisfactorily sifted, though he was afraid that the task would not be a light one. The only questions of principle which could possibly be raised were these: first, should the definition of Companies which might lawfully be formed with limited liability be large enough to include Insurance Companies? and secondly, should Companies be formed with a limitation of liability by guarantee? On those subjects he had nothing to add to the observations he had made when he obtained leave to introduce the Bill.

The Hon'ble the MAHÁRÁJÁ OF VIZIANAGRAM said he had great pleasure in supporting the Bill just introduced, inasmuch as in his view no greater benefit could be conferred by the Legislature on the Natives of this country than the formation of complete codes on various matters of importance and interest to the community. Such codes had been framed in regard to the civil and criminal administration of the country, to postal communication, and various other subjects of equal importance, and had proved of inestimable advantage to the Natives of this country. The law on each subject being placed before them separately and in a complete form, they had been relieved of the inconvenience and loss of time necessarily involved where references had to be made to a number of enactments on the same subject, which lay scattered over several volumes, and many portions of which might have been repealed. The Hon'ble Mr. Maine's Bill was calculated to confer a similar boon on a class of persons of whom the number he was glad to find was daily increasing; he referred to those who were engaged in commercial speculations of a very extensive character. Many individuals of this class, especially the Natives of this country, did not employ themselves in the study of general law, and it would therefore be a source of great convenience and relief to them, if all the law required for the conduct of their commercial transactions could be brought together so as to be comprised within the limits of a single but complete enactment.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill for the incorporation, regulation and winding up of Trading Companies and other Associations—His Excellency the Commander-in-Chief, the Hon'ble Messrs. Grey, Bullen, Cowie, and the Mover.

The Council adjourned till the 5th January.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative,)

CALCUTTA,
The 22nd December, 1865.

HOME DEPARTMENT.

Geographical and Statistical Report of Fyzabad.

Geographical and Statistical Report of the District of Fyzabad in Oudh, by Lieut. F. Coddington, Assistant Revenue Surveyor, in charge, 3rd Division; Oudh Revenue Survey.

Geographical position.

The Fyzabad District lies between the parallels of North Latitude 26° 10' and 26° 50', and East Longitude 81° 50' and 83° 10'. The country is very flat, and for the most part well cultivated. The capital of the District is Fyzabad, and it is situated in North Latitude 26° 40' and East Longitude 82° 20'; Ajoodhia, the old capital of Oudh, lies about 4 miles east of the Station and City of Fyzabad.

Area of District.

The District contains an area of 2296·18 square miles, including eight out-lying villages situated in District Azimgurh; area 3141·32 acres.

Boundaries.

The District is bounded on the north by the river Ghogra, which runs all along its northern face, and separates this District from the District of Gonda and Goruckpoor; on the east by the Districts of Jounpoor and Azimgurh; on the south by the river Goomtee and portion of District Sooltanpoor; and on the west by the District Duriabad. Thus, on the north and south sides, the Ghogra and Goomtee rivers form the natural boundary with the exception of about six miles on the south, where the District of Sooltanpoor runs up north of the river Goomtee.

Area surveyed.

In addition to the area of 2296·18 square miles as given above for the area of the District, the river Ghogra has also been surveyed, where it runs contiguous to the District; the northern bank having been taken up, as also all village sites, &c., within one mile of the river, the river area of this portion of the Ghogra contains 113·05 square miles, so that the total area surveyed is 2409·23 square miles.

Number and size of villages.

The District contains 3,601 villages, the area of each village, therefore, being 408·09 acres, or a little more than $\frac{5}{8}$ths of a square mile.

GEOGRAPHICAL FEATURES.

Rivers.

The District is everywhere well watered by rivers, streams, jheels, and tanks; the principal of the rivers are the following:—

The Ghogra, this river at all times a very large one, expands to a great breadth during the rains, expanding to a breadth of from 3 to 4 miles in some places. It is navigable for large boats at all times, and during the rains, steamers often come up the whole distance from Allahabad. It is crossed by a bridge of boats at Fyzabad, and by ferries at other points.

The Goomtee is a circuitous river and navigable all the year round; the ground along the northern bank of the Goomtee is much cut up into dry nullahs, and broken ground. The next streams in importance are the Murha and Biswi Nuddees, which, often joining one another, form the Tonse; these are unnavigable. There are other small streams of less magnitude and importance not worthy of separate notice.

Tanks. Tanks abound all over the District; for the most part they are dug out, during the rains, so as to retain the water, which is afterwards used to irrigate the lands; more resort is made to these than to wells; of the latter, there are not a very great abundance.

Marshes. Marshes are also very abundant in the District, some of which are of very large extent; during the dry season, the greater number of them dry up, but during the cold season remain full of water, and wild fowl of all kinds are very plentiful on them.

Roads. The District is not very abundant in its roads, the principal road is the High Road from Lucknow to Fyzabad, which enters the District at the north-western corner, and runs in a direction nearly due east to Fyzabad and Ajoodhia. Another high road runs through the District, that from Fyzabad to Allahabad it runs in a direction nearly due south from Fyzabad; both these roads are metalled and well bridged and kept in good repair and available for wheel traffic of all kinds all the year round. These are the only two metalled roads, and Dâk Carriages run on both of them; the other District roads are all unmetalled and but very partially bridged, and not good for wheel traffic at any time, and almost impassable during the rains; the chief of these are from Fyzabad to Roy Bareilly, from Fyzabad to Jounpore viâ Ukburpore, and from Fyzabad to Azimgurh viâ Tanduh; these roads are in fine weather available for wheel traffic.

Jungle. The whole District is interspersed with occasional patches of low forest dak jungle, not of very large extent, but in some cases very thick and sufficiently large to harbour neil gai, deer, peacock, and wild pig; these patches of jungle are cut down occasionally by the inhabitants and used for fire-wood, but allowed to grow up again.

Sub-Divisions. The District is divided into 13 pergunnahs. The limits of these pergunnahs are well defined, and the pergunnahs, since the recent alterations have been made, are all compact; there are, however, 8 outlying villages as above mentioned, belonging to this District, situated in District Azimgurh, and one small tract of District Azimgurh and one of Jounpoor situated within the limits of this District, all of which will be seen by reference to the accompanying Index Map of the District. It is in contemplation to transfer some portion of the south-east portion of this District to the North-Western Province jurisdiction; but up to the present time, nothing has been definitely settled or decided about their transfer.

Climate. The climate is considered good; in the cold season it is very pleasant, but in April it begins to get very hot, and continues so until the rains, but on the whole it is considered a healthy climate although very hot during the hot season. In the last few years, Cholera and Small-pox has troubled the District and carried off many persons, but this is exceptionable.

Trees. The whole country abounds in Mangoe topes which grow most profusely, and when the fruit is in season, it forms the chief food of all the poorer classes; Tamarind trees also, particularly in the neighbourhood of Fyzabad, are in great abundance and of immense size; the bamboo grows also over the whole District in great abundance; the great number of trees renders the country pleasing and pretty to look at. The following trees are also found in the District. The Peepul, the Neem, the Jamun, the Goolar, the Tron, the Burgat, the Semul, the Mahoon, and the Kuthul.

The tenure of land. The tenure of land is very similar to that of the surrounding Districts of Azimgurh and Goruckpoor; about half the District is under the talookdaree system, and the other half is in independent mehals; the puttoedary system of tenure and other complex forms of it are also commonly met with throughout the District.

Cantonment of Fyzabad. The military station of Fyzabad is prettily and pleasantly situated on the right bank of the river Ghogra. It is well chosen, being dry and open, and on this account a very healthy cantonment for troops. It is a new military station having been built and formed since the Mutiny in 1857. Cholera, however, appeared amongst the Regiment of European Infantry this last hot weather, and caused many deaths amongst the soldiers. But I believe this sickness must have been caused by exposure, and insufficient care over ordinary conservancy arrangements; as in the Artillery Lines close to those of the Infantry hardly a case occurred. The Artillery had been some time in the country, whereas the European Regiment only arrived in the last cold weather. The station roads are both numerous and good and all well bridged; the Barracks are built in echelon and are good and roomy; the station during the cold weather and rains is green and fresh looking, having lots of grass growing about it. At the southern side of the cantonment station there is a magnificent avenue of fine Tamarind trees, which forms a beautiful driving place; the road form Lucknow runs close along by this beautiful avenue, but to one side of it; the residents of the station have had a pucka road made in the centre of the avenue for use when driving. In these Tamarind trees numerous monkeys live, and are always to be seen playing along the road. At the north-west corner of the cantonment is situated the public gardens, which are very prettily chosen and are tastily laid out and well kept; there is in these gardens a magnificent grove of Tamarind trees; and the gardens are a great addition and pleasure to the residents, and a favorite place of resort for an evening drive.

There is also the remains of a tolerably large Fort on the north side close to the river Ghogra,

but it is now in ruins; this Fort was called by the Natives, Fort Calcutta. The Commissariat Bakery is now inside it, and also the Executive Engineer's Godown, and an old Magazine. The Fort had apparently a very high parapet and a deep ditch, and is in a strong position; its ditch was filled by water from the Ghogra which is close at hand on its northern face, from which it could be filled at any time; a bridge of boats, which is kept in good order, crosses the Ghogra opposite the cantonment, over which the road leads to Gonda, and is the only cart road open across the Ghogra from this District; in the centre of the river, the road crosses over an island of sand, which renders the crossing of carts very laborious and tedious. A new road is in course of construction, and it is intended to metal it, which will much improve the communication. The Cantonment is bounded on the north by the Ghogra; on the west by Cumberland Creek, formed by a back water from the Ghogra; on the south and south-west and east sides by 22 masonry pillars. The Cantonment is very compact. The Officers' Bungalows are small, and the compounds very confined, and the houses for the most part very small and bad. There is usually stationed there a European Infantry Regiment, a Battery of Royal Artillery, a Native Infantry Regiment, and a Squadron of Native Cavalry, for which troops there is just sufficient room. The Cantonment contains 1,837½ acres.

Civil Lines.

The Civil Station of Fyzabad is situated on the south side of the Lucknow Road, opposite to the Cantonment; it is of small extent, and not so advantageously chosen as the Cantonment, it is on a lower level and not so open. It is therefore after and during heavy rains often very much flooded, and large sheets of water remain for days, as there is no natural drainage to carry it away, and no artificial drainage has been attempted. The public buildings belonging to Government in the Civil Lines are the Dâk Bungalow for travellers, the Opium Godowns; the Kutcherry and Treasury combined a fine and nice-looking building, and a very large Jail completed about August 1864 with very good gardens attached, in which the prisoners work, and from which the supply of vegetables is very good, and a fine dolly can be daily obtained on the payment of Rs. 2 a month. The Jail is a very large one and a fine building. I am of opinion, however, that such a large Jail, where there are always a very large number of prisoners, should not have been built so close to the Civil and Military Stations and City; the disagreeable effects of this are often to be observed, and the greatest care of sanitary arrangements will be always necessary to prevent the engendering of disease, should such at any time break out in the Jail. The daily average of prisoners is 891. No prisoners are kept whose term of sentence is over three years in the Jail; the prisoners prepare the following manufactures—pottery, paper, cloths, horse clothing, printing, both lithograph and type.

The City of Fyzabad.

There is not much of importance to write about regarding the City of Fyzabad; it is a long narrow city, and is divided into four parts by two metalled roads which cross one another at right angles, in what is called the Chouk; some portions of the city are of very ancient origin, but the greater portion was tolerably recently constructed; since the mutiny, the city has been much improved; a very fine bazar has been built along both sides of the Lucknow Road, forming a very wide and fine open street and called Rekabgunj. There is a very fine elegant and English looking building on the right as you enter the city by Rekabgunj; this is the Dispensary built entirely at the expense of a rich Baboo recently created a Rajah; this Dispensary is found of great use and of great benefit to the town and district. It is under the charge of the Civil Surgeon; there are rooms and comfortable accommodation of all kinds for the wants of the sick. The tomb of Suraj-o-Dowlah, commonly known by the name of the Goolabharee, is a striking building; the upper portion of it is now inhabited by the Civil Surgeon, and the lower portion, except the centre where the tomb is, is also sometimes inhabited, the rooms being obtainable for rent; the gardens surrounding the tomb, as also the rows of fountains, have been allowed to fall into disrepair, and are not kept up now at all.

Begum's Tomb.

The Begum's Mausoleum, a Queen's Tomb, is a remarkably fine and handsome building and of great height; the proportions are very good, and the whole looks light notwithstanding its great size. It is a very conspicuous object, and could be seen for many miles in any direction, where the large trees do not intervene, of which there are a great number in the surrounding country, but where there is a tolerably clear space, it is visible for a long distance.

Ajoodhia or Oudh.

Ajoodhia or Ajuda or Oudh, the old capital of Oudh, is situated on the right bank of the Ghogra, about four miles from the station of Fyzabad; a good metalled road exists from one to the other. This once most famous and celebrated city was the capital of Oudh previous to 1775, when the seat of Government of the Province was transferred to Lucknow by Asoph-o-Dowlah. Ajoodhia is said, and, I believe, without doubt, is one of the most ancient cities of the whole of Hindustan. It is said to have been founded by a people called Arya on the right bank of the river Saraiju, Surjoo, Dehwah, or the more commonly called Ghogra. It is affirmed to have been of immense extent, viz., 148 coss in length, and 36 coss in breadth. But it now covers only about three square miles, but said originally to have extended as far as Lucknow. Ikshoaku was the first king of Ajoodhia, from him was descended a long line of Ajoodhia Kings; they traced their origin to the sun, from which they took the name of Soorooj-bunsee. Mr. Cust, in his life of Rama, traces king Dusurath the 35th in descent from the first King of this race to be a contemporary of the patriarch Abraham, who lived before Christ 2250 years. Rama, son of Dusurath, one of the ancient kings of Oudh, was born in Ajoodhia; his birth place is still marked and called Janam-asthan, and considered a very holy place. He is now much worshipped and his memory held in great esteem as a god. He was a great leader and hero, but was banished at one time from his kingdom, and had to live in religious retirement in the forests of Central India He was, however, afterwards re-instated on the throne of his fathers. But from remorse, he finally threw himself into the Surjoo or Ghogra at Gooptar Ghât, and as the natives say re united to the Divinity, since which time he has been worshipped

as a god. The greater portion of the present city of Ajoodhia is built on the slight eminences, most of the houses are built of mud and thatch, but the temples and tombs of which there are immense numbers are of masonry; the general appearance of the city is pleasing, with its numerous mosques, domes, minarets, and turrets; about a mile from the river close to the high road from Fyzabad stands the Hunooman Gurhee, built in honor of the fabled monkey Hunooman. A very small portion of this ancient fort, which used to be of large extent, now exists. It is, however, considered one of the most holy and sacred places in Ajoodhia, and is largely resorted to by the natives. The Hunooman Gurhee was built by Sew Gurreeb. On the northern face of the city along the river is a long line of masonry bathing ghâts, and several worshipping places which are on certain occasions very largely resorted to by the natives, who come very long distances to Ajoodhia for the purpose of bathing and worship, as the city is still very celebrated in their estimation. Tthe other principal places are Ramadheen's Temple, the Kutari Rajah's Temple, and Rajah Maun Sing's Temple. Ajoodhia was at one time one of the principal places of the Boodhists, who have left behind them baghs and temples which mark their having resided here.

Sects and population.

The principal castes and sects in the District are in numbers approximately Mahomedans or Mussulmans about 15 per cent., Hindoos 40 per cent., Brahmins 23 per cent., Rajpoots 22 per cent. of the whole population; the estimated population of the District is about 1,038,200 souls. The majority of the Hindoos are agriculturists, a small minority live by service; as a rule, Mahomedans follow trades, but few of them do service, and a good many cultivate the land.

Manufactures.

The principal manufactures are brass work, for which Ajoodhia is celebrated; Tanduh had very large and extensive cloth manufactures, and was almost entirely inhabited by weavers. But the cotton famine has seriously affected this branch of manufacture; there were several thousand looms at work in the District, a coarse description of glass is also manufactured in the District at Ukberpoor, the soda deposit found in the Gosur plains is used in its manufacture, the glass is formed into bangles, &c. At Fyzabad gold and silver lace is made also, Hookahs, pottery, and brass and iron vessels, &c. There are 3 or 4 small native Indigo factories established during our rule; sugar and saltpetre and oil are made to a limited extent.

Revenue.

The following are the sources of Revenue—The land Revenue, Stamps, Excise and Drugs. The Revenue obtained for 1864-65 was as follows:—

Land Revenue	...	11,68,195
Stamps ...	...	41,230
Excise (Abkaree)	...	1,02,497
Drugs ...	...	11,100
Total Rupees	...	13,23,322

Mode of collection.

The Land Revenue is collected through the Tehseeldars of which there are four; the District being divided into 4 Tehseeldars, viz:—

1. Dostpoor.
2. Ukberpoor.
3. Fyzabad.
4. Bhurteepoor.

The payment is required to be made in four instalments during the year. The amount paid at the different seasons vary in the different Tehseels, in some the Rubbee are 9 annas and the Khureef 7 annas, in others they are equal. The Drug Revenue is also formed out and paid in four equal instalments. The Stamps are paid for as sold, either by licensed leaders or at the Treasuries. The Sudder Distillery system is the one used, and all Spirit made there pays a still head duty as follows, viz., 12 annas per Imperial Gallon, 25 per cent. below proof, and Rs. 1-8 per Imperial Gallon above that degree of strength.

Mode and rate of assessment.

The actual rental is as accurately ascertained on the spot as possible, seer and rent-free lands are estimated according to their capabilities, and an estimate is also formed of the culturable waste; as far as the assessments have as yet proceeded the rates are thus:—

On Cultivation	...	2	1	2	per acre.
On Culturable	...	1	9	6	ditto.
On Total	...	1	6	0	ditto.

Government takes 51¼ per cent.

Products and prices.

The following Table furnished by the Deputy Commissioner shows the principal products with the prices:—

Name of Season.	Name of Article.	Average produce per acre.			Rate per Rupee.			Value.		
		Mds.	Srs.	Chs.	Mds.	Srs.	Chs.	Rs.	As.	P.
Rubbee.	Wheat ...	6	22	0	0	25	8	10	9	7
	Barley ...	6	29	0	0	38	0	7	0	0
	Pea ...	6	22	0	1	2	0	6	4	0
	Linseed ...	1	14	0	0	18	0	3	1	7
	Gram ..	6	11	0	0	33	0	7	9	7
	Mussoor ...	1	34	0	0	26	0	2	12	9
	Urhur ...	3	19	0	0	32	0	4	3	2
	Ram Sugar ...	10	20	0	0	17	0	27	3	2
Khureef.	Dhan ...	8	13	0	1	3	8	7	11	2
	Jurhan ...	9	38	0	1	3	0	9	4	9
	Oord ...	4	27	0	0	25	0	8	3	2
	Moth ...	5	11	0	0	31	0	6	4	10
	Total ...	71	20	0	0	0	0	100	3	9
	Average ...	5	38	5	0	0	0	8	5	7

In addition to those herein mentioned, Sugar-cane and Opium is largely grown in the District.

Condition of Inhabitants.

On the whole, the condition of the Inhabitants may be considered as rather above the average of most Districts; they are tolerably well-to-do, and lots of employment to be had for those willing to work. It is difficult to obtain coolies in the District, as they are all engaged in cultivating and other agricultural pursuits.

Education.

Before our rule in Oudh, there were no schools whatever, and only the better classes studied privately. There are now under Government two first class schools in the city, and three in the District at which 573 boys are being educated. There is also a celebrated Sanskrit establishment in connection with the Hunooman Ghurree, second only to the School of Benares.

Litigation and crime.

The people are exceedingly litigious and seek the Courts in the smallest provocation, and the records of crime are steadily increasing; girl-stealing is a most common occurrence, and indeed a trade is made of it. The Village Chowkeedars are bad and not worth much; the arrangements for the proper performance of this duty are bad, thefts of all kinds are of most common occurrence, criminal complaints are received in plain paper which much tend to increase litigation.

Police.

The following Regular and Municipal Police are kept up in the District—

Regular Police.

Foot	...	...	650
Mounted	...	...	25

Municipal Police.

For Town and Cantonment ...	232

A District Superintendent is over the District, with Assistants and Inspectors. The Head Thaunah and Head Quarters are in Fyzabad.

Imports and Exports.

The following Table furnished by the Settlement Officer shows the chief items of Imports and Exports with the estimated value of each. It will be seen that the Imports in amount very largely exceed the Exports.

IMPORTED.			EXPORTED.		
Name of Articles.	From	Estimated Value.	Name of Articles.	To	Estimated Value.
Cotton and Cloth, &c.	Cawnpoor, Mirzapoor, Shahgunge, &c. ...	12,07,000	Grain ...	Jounpoor, Calcutta, &c. ...	8,13,000
Spices ...	Jaunpoor, &c. ...	5,42,000	Hides ...	Calcutta ...	66,000
Brass and Iron-pots, &c.	Mirzapoor, &c. ...	20,000	Cloth ...	Goruckpoor, Nipal, &c. ...	3,46,000
Gram ...	Goruckpoor, &c.	3,84,000	Goor, &c. ...	Allahabad, Goureegunge ...	1,83,000
Different kind of Goods.	From different places ...	3,90,000	Different kind of Goods ...	To different places	38,000
	Total, Rs. ...	25,43,000		Total, Rs. ...	14,46,000

Weights and measures.

There were many different seers and weights in use in the King of Oudh's time, but the Government seer is now universally adopted. The cloths in the King's time, the Suttee guz or yard of 41½ inches was in use by cloth merchants. The Ellahie guz of 33 inches was used by Surveyors for land measurements and often by Durzies. This latter is still in use, but cloth merchants have now adopted our English standard yard measure of 36 inches.

Names, area, &c., of the 13 Pergunnahs.

The following are the names of the different Pergunnahs of the District with their capitals, &c., thirteen in number:—

1. *Uldeemow.*—This Pergunnah contains 561 villages, area 2,24,577·74 acres, or 350·90 square miles; its capital is Dostpoor, which contains about 2,900 inhabitants. This Pergunnah lies to the south-east of the District, and is considered the most productive, as also the largest Pergunnah in the District; the Pergunnah took its name from a city of the same name, but which is now in ruins. The next place of importance in this Pergunnah is Dera, rendered interesting from its associations, mythical as well as historical. Many persons at different periods flock from places 2 or 3 days' distance for bathing, as the place is much esteemed for absolution purposes. In the village of Ilahgurh, 4 miles from Dera, there is a bathing ghât called Dopap on the Goomtee river, rendered famous by Ram Chunder having bathed there to obtain absolution for having killed Rawan, the offspring of a Brahmin. Dostpoor, the Kusbah town, is also the head-quarters of tehseel Dostpoor, in which the three Pergunnahs of Uldeemow, Mujhowra, and Soorhoorpoor are situated. This Pergunnah was the first in which the settlement operations were commenced; the following note

of the result of our Revenue Survey and of the settlement areas may be of some interest.

Area in acres.

	Cultivation.	Culturable.	Barren waste.
By Revenue Survey ...	124589·63	57721·96	42266·25
By Settlement	111998	39228	73110

Total by Revenue Survey ... 224577·74 acres.
Total by Khusrah ... ... 224336·00 acres.

Pergunnah Mujhowra.

2. *Pergunnah Mujhowra.*—This is the smallest Pergunnah in the District—contains 164 villages; it lies to the north of Pergunnah Uldeemow. Its chief town is Mujhowra, containing about 730 Inhabitants; the khusrah measurements in this Pergunnah are also completed, and are as follows—

Area in acres.

	Cultivation.	Culturable.	Barren waste.	Total.
By Revenue Survey	29355·36	13065·55	5011·90	47432·81
By Khusrah... ...	26980	9906	10114	47000

" 74·11 square miles.

Pergunnah Soorhoorpoor.

3. *Pergunnah Soorhoorpoor.*—This Pergunnah lies to the extreme south-east of the District; its capital is Soorhoorpoor, containing about 1,474 inhabitants, the town of Nagpoor and Julalpoor both contain more inhabitants, but Soorhoorpoor is the kusbah town. It contains 233 villages; area 148·94 square miles.

Detail Area in acres.

	Cultivation.	Culturable.	Waste.	Total.
By Reve. Survey	53417·67	29674·81	12233·73	95326·21
By Khusrah ...	48526·0	14148·0	31873·0	94547·0

Pergunnah Birhur.

4. *Pergunnah Birhur.*—This Pergunnah is situated to the extreme north-east portion of the District; its chief town is Sooltanpoor, Buskaree is also nearly as large. Sooltanpoor contains 1,233 inhabitants. The Pergnunah contains 397 villages; area 219·39 square miles. This Pergunnah, as well as the two following Pergunnahs of Ukberpoor and Tandah Iltifatgunge, belonging to Tehseel Ukberpoor; the head of the Tehseel is situated at Ukberpoor, in Pergunnah Ukberpoor. The following shows the area of the cultivation, &c., by both Surveys:—

Detail Area in acres.

	Cultivation.	Culturable.	Waste.	Total.
By Rev. Survey	85644·00	38146·15	21610·78	140401·53
By Khusrah ...	78850	30800	29157	138807

Pergunnah Ukberpoor.

5. *Ukberpoor.*—This Pergunnah is situated to the north of Uldeemow and west of Birhur; it contains 365 villages; area 270·94 square miles. Its capital is Ukberpoor, situated on the river Tonse, containing about 1,700 inhabitants.

Detail Area in Acres.

	Cultivation.	Culturable.	Waste.	Total.
By Reve. Survey	104166·56	41007·95	28228·14	173402·65
By Khusrah ...	91505	30992	49739	172236·00

Pergunnah Tandah Iltifatgunge.

6. *Pergunnah Tandah Iltifatgunge.*—This Pergunnah until within the last two years formed two very small Pergunnahs, one being Tandah and the other Iltifatgunge, but they have now been thrown into one with the two names kept. It is situated to the North of Ukberpoor. Its Capital is Tandah, containing about 4,200 inhabitants. Its area is 83·66 square miles, and contains 168 villages.

Detail of Area in Acres.

	Cultivation.	Culturable.	Waste.	Total.
By Reve. Survey	37676·80	9393·83	6471·34	53541·97
By Khusrah ...	34136	9209	11595	54940·00

This Pergunnah completes the Tehseel of Ukberpoor, and is the last of the Pergunnahs of which the khusrah measurements have been made. It will be seen that the total areas of the two surveys agree tolerably accurately. In all cases except one, the Revenue Survey gives the greater area of the two, and in all cases the items of cultivation and culturable are also greater by the Revenue Survey, and the barren waste less. The reasons for this I am not aware of, and I am not of opinion that our Revenue Survey registers more culturable than what ought to be so. Although since it is a matter of opinion as to what land is culturable and what land is not, it is to be expected that a difference will exist between two surveys on this head.

Tehseel Bhurteepoor.

This Tehseel contained the three following Pergunnahs of Sooltanpore, Burousa Eesowlee, and Jugdeespoor Kharansa. Its Capital is Bhurteepoor, but the head Offices are at Khorec Bhar.

Pergunnah Sooltanpoor Burousa.

7. *Pergunnah Sooltanpoor Burousa.*—The Capital of this Pergunnah previous to the mutiny was Sooltanpoor, but it has now become depopulated and lies in ruins. It was situated on the Goomtee river. This is the next largest Pergunnah to Uldeemow in the District, it contains 340·24 square miles and 581 villages.

Cultivation.	Culturable.	Waste.	Total in acres.
140846·89	43030·66	33878·89	217756·44

Pergunnah Eesowlee.

8. Pergunnah Eesowlee containing 99 villages. This Pergunnah is situated to the south-west of the District, area 85·78 square miles. Its Capital is Eesowlee, containing about 1,460 inhabitants. Huliapoor is the next town of importance. The area of the different items are—

Cultivation.	Culturable.	Waste.	Total.
36591·91	10361·97	7946·93	54900·81

Pergunnah Jugdeespoor Kharansa.

9. *Pergunnah Jugdeespoor Kharansa.*—This Pergunnah is situated to the south-west of the District bordering on Pergunnah Eesowlee. Its area is 106·01 square miles, containing 118 villages. Its Capital is Muhumudpoor Umaneegunge, containing about 1,500 inhabitants. Its area in detail in acres is—

Cultivation.	Culturable.	Waste.	Total.
44960·87	13951·42	8933·24	67845·53

Tehseel Fyzabad.

The Tehseel of Fyzabad contains the four Pergunnahs of Umsin, Puchumroth, Havilee Oudh, and Munglisee Muhumudpoor.

Pergunnah Umsin.

10. *Pergunnah Umsin.*—This Pergunnah lies to the west of Pergunnah Tandah Iltifatgunge. Its area is 99·16 square miles, containing 190 villages, the capital is Begumgunge which contains about 700 inhabitants, area in detail is—

Cultivation.	Culturable.	Waste.	Total.
45565·96	10672·89	7231·63	63470·48

Pergunnah Puchumroth.

11. *Pergunnah Puchumroth.*—This Pergunnah lies to the north of Pergunnahs Sooltanpoor, Burousa, and Eesowlee, and contains 415 villages with an area of 282·58 square miles. Its principal town is Rampoor Bhuggun, containing about 2,000 inhabitants. Shahgung is the next town of importance; Shahgung is the residence of Rajah Maun Singh, a most influential and wealthy man and one of the largest Talookdars in Oudh. The area of Pergunnah in detail is—

Cultivation.	Culturable.	Waste.	Total.
118922·83	41899·06	20033·00	180854·89

Pergunnah Munglisee Muhumudpoor.

12. *Munglisee Muhumudpoor.*—This Pergunnah lies to the north-west of the District and borders on the Ghogra and on District Duriabad. It contains 126 villages. Area 103·71 square miles. Its Capital is Nowrahee, containing about 5,000 inhabitants.

The area in detail in acres is—

Cultivation.	Culturable.	Waste.	Total.
55691·85	8985·26	10600·47	74377·58

Pergunnah Havilee Oudh.

13. *Pergunnah Havilee Oudh.*—This is the last of the Pergunnahs to be mentioned, it lies between Pergunnahs Umsin and Munglisee Muhumudpoor. It contains 184 villages including Cantonments and Civil lines, area 105·73 square miles. Its Capital is Fyzabad, containing about 24,000 inhabitants. The next city of importance is Ajoodhia, as also the Military and Civil Stations which have already been noticed at some length—

The area in detail is—

Cultivation.	Culturable.	Waste.	Total.
52692·91	10607·15	12367·95	75668·01

Total Area by detail.

The items given above make the total of the District to be in detail—

Cultivation	...	930123·84	Acres.
Culturable	...	322618·66	„
Waste	...	216814·15	„

or cultivation about 0·63, or rather more than half culturable 0·22, or little more than $\frac{1}{5}$th-Waste 0·14 or a little more than $\frac{1}{10}$th, of the whole area.

Comparison of area by Universal Theorem and summation of villages.

The District for the convenience of survey was divided into seven main circuits, the average area of each was 328·03 square miles. The area of the seven main circuits by Universal Theorem was found to be plus eight villages of District out of main circuits ... ... 1472723·01 Acres.

Deduct area of villages of Districts Azimgurh and Jounpoor included in main circuits 1 and 2 ... ... 2698·77

Area by Universal Theorem	...	1470024·24 Acres.
Area by summation of villages	...	1469556·65 „
Difference in acres ...	...	467·59

or difference of only 0·03 acres per every 100 acres.

The local beegah.

The beegah now in use throughout the whole District is that known as Shahjehany beegah, it consists of 3,025 square yards, being 55 yards in length as well as in breadth. It is exactly $\frac{5}{8}$th of an acre, and 1 acre is equal to 1 beegah and 12 biswahs.

Food of inhabitants.

In the District, poverty is very common but destitution rare; a large proportion of the poor live for weeks on suttoo and cheap fruits, and such seeds as they collect, this class is very liable to disease; Kunjers living in jungles will eat jakals, snakes, wild cats, or any kind of animal or vegetable food. The Mussulmen eat all ordinary food, except pork. The low caste Hindoos eat the flesh of animals dying naturally; wheat, barley, dal, chillies, fish, salt, tobacco are commonly used by several classes. They all attach much importance to the quality of the water they drink.

Railways.

It is proposed to construct a light branch Railway leaving the East Indian Railway at Buxar which would pass Azimgurh and run through this District to Bareilly and Moradabad, or to Shahjehanpoor, &c., the levels for this line have been taken within the last year, but nothing further as yet; should this line be constructed, it will pass through the District nearly from east to west and run within about six or seven miles of Fyzabad.

Soil.

The soil is the ordinary alluvial soil of the plains, consisting of clay and sand; by the river sides are large beds of lime-earth rich in shells, this earth is considered the best for mortar, the land is plentiful in the production of kunkur. There are also large patches of Oosur land in different parts of the District.

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